



CITY OF AMESBURY  
IN THE YEAR TWO THOUSAND TWENTY-THREE

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**SPONSORED BY:** Kassandra Gove, Mayor     **BILL No.** 2023-005

At the meeting of the Amesbury City Council held on September 26, 2023, the following action was taken:

**An Ordinance** to amend the Amesbury Zoning Ordinance and the Amesbury Overlay Zoning Map in order to establish a new Smart Growth Overlay District pursuant to M.G.L. Chapter 40R and 760 CMR 59.00 that shall be known as the East End Smart Growth Overlay District.

**Summary:** The City of Amesbury has received a Letter of Eligibility from the Massachusetts Department of Housing and Community Development for establishing a Smart Growth District pursuant to the provisions of M.G.L. Chapter 40R and 760 CMR 59.00. The proposed Smart Growth District will be known as the East End Smart Growth Overlay District (EE-SGOD).

The EE-SGOD seeks to encourage a more compact, concentrated, high density housing and mixed-use form of development along upper Clarks Road and Elm Street and to improve the transition between the commercial and residential neighborhoods. The proposed district would provide a regulatory framework that encourages a more concentrated, multi-family housing design instead of sprawling development. With a land-use efficient design approach, it would allow the preservation of large portion of land on large parcels as open space and better support other adjacent redevelopment opportunities. It capitalizes on existing infrastructure investments, including but not limited to the regional transportation network, rail-trails, sidewalks, and other pedestrian corridors that provide linkages to major landmarks and destinations in Amesbury and surrounding communities. This new framework would provide greater zoning flexibility for the redevelopment of existing vacant and under-utilized commercial properties within this Overlay District.

The proposed Smart Growth Overlay District includes subdistricts that allow different housing types including both two & three family buildings and multi-family development and thereby encourages development of housing for a diverse population.

The proposed ordinance seeks to amend certain provisions of the Amesbury Zoning Ordinance and the Zoning Overlay Map as follows:

1. Amend Section III – Establishment of Zoning Districts to add new East End Smart Growth Overlay District;
2. Amend Section XI.Q – Smart Growth Overlay District, to add provisions to incorporate new East End Smart Growth Overlay District (EE-SGOD), including establishing permitted uses, dimensional and density requirements and building design requirements within the EE-SGOD;

3. Amend Section XI.Q – Smart Growth Overlay District, to delete the Cedar Street Mills and Heritage Park from the Smart Growth Overlay District; and
4. Amend Amesbury Zoning Overlay Map – Add the boundaries of the new Smart Growth District and delete the boundaries of the Cedar Street Mills and Heritage Park from the Smart Growth Overlay District.

The full text of the zoning amendments is shown in the attached document titled “**Amendment – Zoning Ordinance 2023-01: East End Smart Growth Overlay District**” with text to be deleted shown as struck-through (yellow highlight) and text to be inserted shown in bold (green highlight). A copy of the full text of the zoning amendment is on file with the Office of the City Clerk and the Office of Community and Economic Development.

**Be it Ordained by the City Council of the City of Amesbury assembled, and by authority of the same, as follows:**

That the Amesbury Zoning Ordinance is amended as follows:

1A. Section III: Establishment of Zoning Districts

**1. Amend Section 3.1.2 Overlay District as follows:**

Add new East End Smart Growth Overlay District (EE-SGOD) in the table in Section 3.1.2

1B. Section XI.Q: Smart Growth Zoning District

**1. The following words shall be revised across the entire Section XI.Q:**

- a. Replace “*Enabling Laws*” with “**Governing Laws**”; and
- b. Replace “*Administering Agency*” with “**Monitoring Agent**”

**2. Amend the subsections of Section XI.Q enumerated below and as further described in the attached document titled “**Amendment – Zoning Ordinance 2023-01: East End Smart Growth Overlay District**”**

1. Amend Section XI.Q.2 - Definitions
2. Amend Section XI.Q.3 - Overlay District
3. Amend XI.Q.5 - Permitted Uses
4. Amend Section XI.Q.6 - Housing and Housing Affordability
5. Amend Section XI.Q.7 - Dimensional and Density Requirements
6. Amend Section XI.Q.8 - Plan Approval of Projects: General Provisions
7. Amend Section XI.Q.9 - Plan Approval Procedures
8. Amend Section XI.Q.10 - Design and Development Standards
9. Amend Section XI.Q.11 - Plan Approval Decisions

And, the Amesbury Zoning Overlay Map is amended as follows:

Add the boundaries of the new Smart Growth District – East End Smart Growth Overlay District (EE-SGOD) and add the new Overlay District to the list.

Councilor Scott Mandeville offered a motion to amend Bill 2023-005 Section XI.Q.5.2-Projects in the East End SGOD, 5.2.4 (f), second bullet Restaurant, to include Fast Food/Drive In establishment. He was seconded by Councilor Anthony Rinaldi, and the motion passed 7-1-1, (7 in favor, Councilor Hogg opposed, Councilor Stanganelli recused).

Councilor Anthony Rinaldi offered a motion to amend 2023-005 to incorporate the recommendation of the Planning Board memo dated June 15, 2023 to amend Section 11.Q.10.E to replace the word "situation" with "criteria" and the July 17, 2023 Ordinance and Administration subcommittee recommendation to amend the typographical error referring to the bill as 2022-005 to 2023-005. He was seconded by Councilor Scott Mandeville, and the motion passed unanimously 8-0-1, (8 in favor, Councilor Stanganelli recused).

Councilor Anthony Rinaldo offered a motion to approve 2023-005 as amended. He was seconded by Councilor Roger Deschenes. A roll call vote was taken, and the motion passed 7-1-1, (7 in favor, Councilor Lennon opposed, Councilor Stanganelli recused).

Witness my hand and seal for the City of Amesbury this 3<sup>rd</sup> day of October 2023.

  
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Acting City Clerk

  
\_\_\_\_\_  
Mayor

October 5, 2023  
\_\_\_\_\_  
Date

# EAST END SMART GROWTH OVERLAY DISTRICT

## SECTION XI.Q: SMART GROWTH OVERLAY DISTRICT

### 1. PURPOSE

The purpose of this Section XI.Q is to establish the Smart Growth Overlay District (SGOD) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving Amesbury unique community character;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which mixed-use and residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning that protect neighborhood property values and enhance its unique natural, cultural and historic resources;
7. To encourage the permanent preservation of contiguous open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, waterbodies, areas of critical environmental concern, and wetlands, and historical and archeological resources, in a manner that is consistent with the current Master Plan and Open Space Plan;
8. To encourage a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional development;
9. To minimize the total amount of disturbance within the District; and,
10. Enable the City to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and G.L. Chapter 40S arising from the development of housing in the SGOD.

### 2. DEFINITIONS

For purposes of this Section XI.Q, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or Section 2.0, or as set forth in the Planned Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Governing Laws, the terms of the Governing Laws shall govern.

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***Affirmative Fair Housing Marketing Plan (AFHMP)***– A plan that outlines affirmative fair housing requirements that apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Department of Housing and Community Development (DHCD), as may be amended from time to time.

***Affordable Homeownership Unit*** - an Affordable Housing unit required to be sold to an Eligible Household.

***Affordable Housing*** - housing that is affordable to and occupied by Eligible Households.

***Affordable Housing Restriction*** - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6.6 of this Ordinance.

***Affordable Rental Unit*** - an Affordable Housing unit required to be rented to an Eligible Household.

***AGV-SGOD*** – the Amesbury Gateway Village Smart Growth Overlay District (AGV-SGOD) established in accordance with this Section XI.Q.

***Applicant*** – the individual or entity that submits a Project for Plan Approval.

***As-of-right*** - a use allowed under Section 5.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7.0 through 12.0 shall be considered an as-of-right Project.

***Commercial Project*** - a Project that consists solely of commercial uses, parking, and accessory uses, as further defined in Section 5.1.

***Department or DHCD*** - the Massachusetts Department of Housing and Community Development and any successor agency.

***Design Standards*** –The Design Standards listed in Section 12 are applicable to all Projects within the SGOD that are subject to Plan Approval by the PAA.

***Developable Land*** – all land within the SGOD that can be feasibly developed into residential or mixed-use Development Projects. Developable Land shall not include:

1. Substantially Developed Land;
2. Open Space;
3. The right-of-way of existing public streets, ways, and transit lines;
4. Land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
5. Areas exceeding one-half (0.5) acre of contiguous land that are:
  - Protected wetland resources (including buffer zones) under federal, state, or local laws;
  - Rare species habitat designated under federal or state law;
  - Characterized by steep slopes with an average gradient of at least 15%;
  - Subject to any other local Ordinance, or regulation that would prevent the development of residential or Mixed-Use Development Projects at the As-of-right densities set forth in M.G.L. 40R.

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**EE-SGOD** - East End Smart Growth Overlay District (EE-SGOD) established in accordance with this Section XI.Q

**Eligible Household** - an individual or household whose annual income is less than or equal to 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**Future Open Space** - These areas, identified on the Sub-District Plan Identifying Location of Future Open Space shown in Exhibit 2, shall be set aside a dedicated as permanent open space areas through the use of a conservation restriction as defined in G.L. c. 184 or other effective means.

**Governing Laws** – G.L. Chapter 40R and 760 CMR 59.00.

**Maximum Building Area** - Maximum Building Area includes the total area used for all buildings, primary access, driveways, parking, loading areas and stormwater management areas.

**Mixed-Use Development Project** - a Project, either within a single building or property, containing a mix of residential uses and non-residential uses, as allowed in Section 5.2, and subject to all applicable provisions of this Section XI.Q.

**Multi-Family Residential Use** - an apartment of condominium units in buildings that contain or will contain more than three such units, provided that the SGOD may treat attached City houses on separate lots as a single-family residential use.

**Minimum Open Space** –The minimum open space area required under Section 7.1 shall be subject to a recorded conservation restriction enforceable by the City providing that such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes. The open space shall be suitable for and protected and maintained for wildlife habitat, conservation, wetland and habitat areas, historic preservation (landscapes and/or accessory structures), outdoor education, passive and active outdoor recreation, park purposes, agriculture, horticulture, forestry, and/or a combination of these uses. Secondary vehicular emergency access is permitted within the open space area and it shall also be served by suitable pedestrian access for such purposes listed above. At the discretion of the PAA, utility easements and stormwater management systems serving the Project may be located within the minimum open space areas.

**Monitoring Agent (formerly referred to as Administering Agency)** – The Office of Community and Economic Development or other qualified housing entity designated by the Mayor, pursuant to Section 6.2, to review and implement the Affordability requirements affecting Projects under Section 6.0.

**PAA Regulations** – the rules and regulations of the PAA adopted pursuant to Section 8.3.

**Plan Approval** - standards and procedures which Projects in the SGOD must meet pursuant to Sections 8.0 through 12.0 and the Governing Laws.

**Plan Approval Authority (PAA)** - the local approval authority authorized under Section 8.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

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**Project** - a Commercial, Residential or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Section XI.Q.

**Residential Project** - A Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

**SGOD** – Smart Growth Overlay District as established pursuant to Section XI.Q

**Zoning Ordinance**- the Zoning Ordinance of the City of Amesbury, as amended.

### 3. OVERLAY DISTRICT

**3.1 Establishment.** The City of Amesbury shall establish Smart Growth Districts pursuant to G.L. Chapter 40R and 760 CMR 59.00 as Overlay Districts in the City. The Overlay Districts shall be shown on the Overlay District Zoning Map and are further described below:

**3.1.1 Amesbury Gateway Village:** This overlay district, hereinafter referred to as the “AGV-SGOD” and having a land area of approximately 52 acres in size is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “Amesbury Gateway Village Smart Growth Overlay District, prepared by the Office of Community and Economic Development (attached as Exhibit 1). This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk. The AGV-SGOD contains eight (8) sub-districts. The eight (8) Sub-districts are as follows:

- 1 – SDA (Substantially Developed Area)
- 2 – MU (Mixed-Use)
- 3 – SDA
- 4 – MU
- 5 – SDA
- 6 – FOS (Future Open Space)
- 7 – STF (Single- Two-family)
- 8 – MF (Multifamily)

**3.1.2 East End:** Hereinafter referred to as the “EE-SGOD”, this 40R overlay district, having a land area of approximately thirty-five (35) acres in size, is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “East End Smart Growth Overlay District”, prepared by the Office of Community and Economic Development (attached as Exhibit EE-SGOD-MAP001). This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk. The EE-SGOD contains six (6) Sub-Districts as follows:

- 1 – 2-3FAM (Two – Three Family)
- 2 – MF-1 (Multifamily)
- 3 – MF-2 (Multifamily)
- 4 – SDA-1 (Substantially Developed Area)
- 5 – FOS - 1 (Future Open Space)
- 6 – FOS - 2 (Future Open Space)

## EAST END SMART GROWTH OVERLAY DISTRICT

### 4. APPLICABILITY OF SGOD

- 4.1 Applicability of SGOD.** An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Governing Laws and this Section XI.Q, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.
- 4.2 Underlying Zoning.** The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section XI.Q. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s).
- 4.3 Administration, Enforcement, and Appeals.** The provisions of this Section XI.Q shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 8 through 12 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section XI.Q shall be governed by the applicable provisions of G. L. Chapter 40A.

### 5. PERMITTED USES

In compliance with the dimensional and density regulations listed under Section 7.1, the following uses are permitted “as-of-right” for Projects within the SGOD.

#### **5.1 Projects in the Amesbury Gateway Village SGOD:**

- 5.1.1** A Project within the Single- or Two-Family Sub-district [STF] may include:
- a) Single-family or Two-family residential use(s);
  - b) Parking accessory to any of the above permitted uses; and
  - c) Accessory uses customarily incidental to any of the above permitted uses.
- 5.1.2** A Project within the Multi-family Sub-district [MF] may include:
- a) Single-family, 2 and 3 family, and/or Multi-family residential use(s) [with no more than forty-eight (48) units per building], provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply;
  - b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
  - c) Accessory uses customarily incidental to any of the above permitted uses.



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- 5.1.3.** A Development Project within the Mixed-use Sub-district(s) [MU] may include:
- a) Single-family, 2 and 3 family, and/or Multi-family residential use(s), provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply to the residential portion of any Mixed-use Development Project. Within the “4-MU”, the residential use shall only be located above the ground or street-level floor of the building(s);
  - b) Any of the following commercial non-residential uses:
    - Artisan Business
    - General Retail Sales and Services
    - Restaurant
    - Professional/ business offices
    - Artist live/work space
  - c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
  - d) Accessory uses customarily incidental to any of the above permitted uses.
- 5.1.4.** A Development Project within the Future Open Space Sub-district [FOS] may include:
- a) Any of the following commercial or non-residential uses:
    - Public Park or Conservation areas
    - City Buildings (except garages)
    - Historic Associations/ societies
    - Year-round farm stand for retail trade
  - b) Accessory uses customarily incidental to any of the above permitted uses.
- 5.1.5.** A Development Project within the Substantially Developed Area Sub-District(s) [SDA] may include:
- c) Mixed-Use, 2 and 3 family and/or Multi-family residential use(s), provided the PAA has determined that any residential density, above that permitted in the underlying zoning district, is consistent with the purpose and intent of this SGOD. Mixed-Use in these sub-districts shall require the residential use only be located above the ground or street-level floor of the building(s);
  - d) Any of the following commercial non-residential uses:
    - Artisan Business
    - General Retail Sales and Services
    - Restaurant
    - Professional/ business offices
    - Artist live/work space
  - c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
  - d) Accessory uses customarily incidental to any of the above permitted uses.

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### **5.2 Projects in the East End SGOD:**

- 5.2.1** A Project within the Two or Three Family Sub-district (2-3 FAM) may include:
- a) Two-Three family residential use(s);
  - b) Parking accessory to any of the above permitted uses; and
  - c) Accessory uses customarily incidental to any of the above permitted uses.
- 5.2.2** A Project within the Multi-family Sub-districts (MF-1 and MF-2) may include:
- a) Multi-family residential use(s) [with no more than forty-eight (48) units per building], provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply;
  - b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
  - c) Accessory uses customarily incidental to any of the above permitted uses.
- 5.2.3.** A Development Project within the Future Open Space Sub-district (FOS-1 and FOS-2) may include:
- a) Any of the following commercial or non-residential uses:
    - Public Park or Conservation areas
    - Historic Associations/ societies
    - Year-round farm stand
  - b) Accessory uses customarily incidental to any of the above permitted uses.
- 5.2.4.** At the discretion of the PAA, a Development Project within the Substantially Developed Area Sub-District (SDA-1) may include:
- e) Mixed-Use, provided the PAA has determined that any residential density, above that permitted in the underlying zoning district, is consistent with the purpose and intent of this SGOD. Mixed-Use in these sub-districts shall require the residential use only be located above the ground or street-level floor of the building(s);
  - f) Any of the following commercial non-residential uses:
    - General Retail Sales and Services
    - Restaurant, fast food/drive-in establishment
    - Professional/ business offices
    - Artist live/work space
    - Artisan Business
  - c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g. parking garages); and
  - d) Accessory uses customarily incidental to any of the above permitted uses.

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### 6. HOUSING AND HOUSING AFFORDABILITY

**6.1 Number of Affordable Housing Units.** For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.

**6.2 Monitoring Agent:** The Monitoring Agent shall be the Office of Community and Economic Development, or an agency designated by the Mayor. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

**6.3 Submission Requirements:** As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 8.0 through 12.0, the Applicant shall submit the following documents to the PAA and the Monitoring Agent:

- 1) A narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly;
- 2) Evidence that the Project complies with the cost and eligibility requirements of Section 6.4;
- 2) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5;
- 3) A form of Affordable Housing Restriction that satisfies the requirements of Section 6.6; and
- 4) Floor Plans that shall include details including, but not limited to, location, quantity and unit size related to units provided within the development that are accessible to the disabled.

**6.4 Cost and Eligibility Requirements:** Affordable Housing shall comply with the following requirements:

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1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
4. Prior to the granting of any Plan Approval for a Project, the Applicant shall demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed are consistent with state or federal guidelines for affordability applicable to the City of Amesbury.

**6.5 Design and Construction:** Units of Affordable Housing shall be finished housing units. With respect to the minimum number of units in a given Project that are required to be Affordable Housing, such units shall be equitably integrated and proportionately dispersed throughout the residential portion of the Project of which they are part, across all residential buildings, floors, distinct unit types, and with respect to the gross floor area devoted to residential units, in accordance with the Affordable Housing Restriction and the Affirmative Fair Housing Marketing and Resident Selection Plan, as approved by DHCD. The Affordable Housing units shall be comparable in construction quality, size, amenities, and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market rate units.

**6.6 Affordable Housing Restriction:** Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be the longest period allowed by law but shall be no less than thirty years;
2. The name and address of the Administering Agency Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an Affirmative Fair Housing Marketing Program (AFHMP), including public notice and a fair resident selection process. Such plan shall be consistent with

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- DHCD guidance and approved by DHCD. Consistent with DHCD guidance, such plan shall include a preference based on need for the number of bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable, and may only provide for additional preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
  6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
  7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
  8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
  9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Monitoring Agent;
  10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
  11. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
  12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agency certifying compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability; and
  13. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

**6.7 Costs of Housing Marketing and Selection Plan.** The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

**6.8 Age Restrictions.** Nothing in this Section XI.Q shall permit the imposition of restrictions on age upon a Project unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 6.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.

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Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

**6.9 Phasing.** For any Project that is approved and developed in phases in accordance with Section 8.4, the percentage of Affordable Housing units in each phase shall not be less than the minimum percentage of Affordable Housing required under Section 6.1 or 6.8, as applicable. Unless otherwise explicitly approved in writing by DHCD or required as a condition of an applicable state or federal housing subsidy program, where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 6.5 shall be applied proportionately to the Affordable Housing provided for in each respective phase.

**6.10 No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived unless expressly approved in writing by DHCD pursuant to the 40R Smart Growth Zoning Program and Governing Laws, at the request of the PAA.

### 7. DIMENSIONAL AND DENSITY REQUIREMENTS

**7.1.1 Table of Dimensional Requirements for AGV-SGOD.** Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the AGV-SGOD are as follows:

**Table of Dimensional Regulations:**

Sub-District (1-7)	Minimum Lot Frontage (feet)	Minimum Yards:			Maximum Height (feet)	Maximum Height (# stories)	Maximum Building Area (% of lot)	Minimum Open Space (% of lot)
		Front (feet)	Side (feet)	Rear (feet)				
1- SDA	200	20	15	20	40	2.5	85	15
2 - MU	250	20	15	20	35	2.5	35	65
3- SDA	200	20	15	20	35	2.5	80	20
4- MU	200	20	10	20	35	2.5	80	20
5- SDA	100	20	10	20	35	2.5	80	20
6- FOS	50	10	10	20	15	1	10	90
7- STF	50	10	5	20	35	2.5	20	80
8 - MF	200	20	15	20	58	5	35	65

**7.1.2 Density Requirements.** Notwithstanding anything to the contrary in this Zoning Ordinance, the density requirements applicable in the AGV-SGOD are as follows:

- (a) Single-family residential use shall be permitted at a density of at least eight (8) units per acre of Developable Land;
- (b) Two-family residential use shall be permitted at a density of at least twelve (12) units per acre of Developable Land; and,
- (c) Multi-family residential use shall be permitted at a density of at least twenty (20) units per acre of Developable Land in all Sub-districts except for Sub-District 8 (MF) which shall be permitted at a density of at least thirty (30) units per acre of Developable Land.

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**7.1.3 Waivers to Increase Density.** Where project density, as determined under Section 7.1.2, is less than the Maximum Waived Density, as listed in the Table below, the PAA may issue a waiver for an increase of project density after a determination that the proposed density is consistent with the requirements of Sections 6 through 12.

Sub-District	Maximum Waived Density (number of units)
1- SDA	8
2-MU	20
3-SDA	18
4-MU	18
5-SDA	8
6-FOS	0
7-STF	13
8-MF	240

**7.2.1 EE-SGOD - Table of Dimensional Requirements.** Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the EE-SGOD are as follows:

**Table of Dimensional Regulations:**

Sub-District	Min Lot Size	Minimum Lot Frontage (feet)	Min. Front Yard Setback (feet)	Min. Side (feet)	Min Rear (feet)	Maximum Height (feet)	Maximum Height (# stories)	Maximum Building Area (% of lot)	Minimum Open Space (% of lot)
2-3FAM	10,000	80	20	10	25	35	2.5	50	30
MF-1	200,000	100	20	20	30	55	4.0	30	50
MF-2	60,000	100	20	20	30	55	4.0	50	30
SDA-1	40,000	125	20	10	50	40	3.0	70	20
FOS-1	40,000	-	-	-	-	-	-	-	100
FOS-2	20,000	-	-	-	-	-	-	-	100

**7.2.2 Density Requirements.** Notwithstanding anything to the contrary in this Zoning Ordinance, the density requirements applicable in the EE-SGOD are as follows:

- a. Two- and Three-Family residential uses shall be permitted at a density of at least twelve (12) units per acre of Developable Land; and,
- b. Multi-family residential use shall be permitted at a density of at least twenty (20) units per acre of Developable Land in all Sub-districts.
- c. within a Substantially Developed Area the Planning Board may waive the density requirements and permit a density of up to twenty (20) units per acre of Developable Land. All development located directly along Route 110 is required to be mixed-use with commercial uses on the first floor and street level. Residential uses shall be allowed on second floor and above.

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### 8. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

- 8.1 Plan Approval.** An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 8.0 through 12.0. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Governing Laws. The following categories of Projects shall be subject to the Plan Approval process:
- a) Any Residential Project;
  - b) Any Mixed-use Development Project;
  - c) Any Commercial Project consisting solely of non-residential uses; and,
  - d) Any Project seeking a waiver.
- 8.2 Plan Approval Authority (PAA).** The Amesbury Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD. Any reference to the Planning Board in or pursuant to this Section XI.Q or in or pursuant to PAA Regulations shall mean in the board’s capacity as the Plan Approval Authority.
- 8.3 PAA Regulations.** The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development
- 8.4 Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.9.
- 8.5 Design Standards.** To ensure that new development shall be of high quality and shall meet the standards listed in Section 12. The Planning Board shall follow the Design Standards governing Projects for Plan Approval within the SGOD.

### 9. PLAN APPROVAL PROCEDURES

- 9.1 Pre-application.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
1. Overall building envelope areas;
  2. Open space and natural resource areas; and
  3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards.



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- 9.2 Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, [along with application fee(s)] which shall be as set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3.
- 9.3 Filing.** An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the City Clerk and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the PAA.
- 9.4 Circulation to Other Boards.** Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Municipal Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the Affordability requirements of Section 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- 9.5 Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- 9.6 Peer Review.** The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City of Amesbury in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith.
- 9.7 Infrastructure Improvements:** In no event shall the City of Amesbury be responsible for any expenses related to off-site infrastructure improvements (including but not limited to roads, pedestrian walkways, drainage, flood control, sewer, water, gas, and electric) due to the impact from the proposed development and the Applicant shall be required to address these improvements as a condition of approval. All projects shall be designed so that stormwater runoff from the project site does not enter the municipal separate storm sewer (MS4) system.
- 9.8 Performance Bond:** The Board shall require a performance bond or surety to assure that the proposed improvements including, but not limited to, utilities, public amenities, landscaping and the site plan are constructed as approved.
- 9.9 Inspections during Construction:** The Board may require the inspection of improvements as per approved site plan and shall require the Applicant to re-imburse the Board for the services of the consultant.

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### 10. DESIGN AND DEVELOPMENT STANDARDS

**10.1 Adoption of Design and Development Standards.** Any Project undergoing the Plan Approval process shall be subject to the Design Standards for the SGOD as set forth below in this Section.

**10.2 Purpose.** The Design and Development Standards shall ensure that the physical character of Projects within the SGOD will meet the following goals:

- a. The project will be consistent with the Comprehensive Housing Plan, 2004 Master Plan, Developable Land Plan, Conceptual Smart Growth Residential Density Plan, and any area specific plan(s), or any other plan document(s) adopted by the City of Amesbury;
- b. The project will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in traditionally settled areas of the City of Amesbury or other similar regions of the Lower Merrimack Valley; and,
- c. The project will be developed in a manner that is consistent with the environmental setting and protective of the natural resources within and around the project.

**10.3 Materials for Review.** All applications for Plan Approval shall be prepared by a registered architect, landscape architect, or professional engineer who shall sign and date a designer's certificate (Form D) as required by the City's subdivision regulations and place their seal upon all pertinent documents unless this requirement is waived by the Planning Board because of unusually simple circumstances. All original plans shall be prepared on standard 24" x 36" sheets at a minimum scale of 1"=40'. Elevations drawings, where required, shall be drawn at a minimum scale of 1"=8'.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of small scale developments. Said waiver(s) shall be made to the applicant in writing with stated reasons for granting the waiver. The following information shall be included on the Plan:

- a. Parcel Information. The location and boundaries of the lot, adjacent streets or ways, applicable information from Section 7 - Dimensional and Density Requirements, the location and owners names of all adjacent properties;
- b. Topography. Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, including all slopes over 15%, all trees over eight (8) inches in caliper, and the general location of the tree line;
- c. Buildings. Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor elevations and building height(s);
- d. Parking & Driveways. The location of parking and loading areas, driveways, access and egress points;
- e. Utilities. The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100 year storm events), utilities, and refuse and other waste disposal methods;
- f. Landscaping. Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the Planning Board;

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- g. Lighting. Existing and proposed lighting including the location, lighting source, and fixture types and a photometric analysis of proposed lighting;
- h. Signs. The location, dimensions, height, and characteristics of proposed signs;
- i. Open Space. The location and description of all proposed open space or recreation areas; and,
- j. Traffic Generation. The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.

**10.4 Additional Materials for Review.** In circumstances related to significant environmental or public safety issues or where the proposed intensity of use requires more detailed review, the Planning Board may also require the following:

- a. Surface and water pollution - a report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water and water tables;
- b. Soils - a report on the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required;
- c. General environmental impact - a report on the relationship of the proposed development to the major botanical, zoological, geological, and hydrological resources on the site, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. At the discretion of the Planning Board, an EIS required through the MEPA process which addresses the Planning Board's concerns may be substituted in lieu of this report;
- d. Traffic impacts - a report on existing traffic volume, composition, peak hour levels, and existing street capabilities, analysis of existing and resulting level of services (LOS) for:
  - 1. The nearest and/or most impacted public roadway intersection;
  - 2. Estimated average daily traffic generation composition, peak hour levels;
  - 3. Directional flows resulting from the proposed development;
  - 4. Proposed methods to mitigate the estimated traffic impact; and,
  - 5. The methodology and sources used to derive existing data and estimations.Further, in an instance where the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0; then the applicant shall provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better. The Planning Board may engage a traffic consultant to review said report and make its recommendations to the Planning Board before final action is required;
- e. Architectural Plans - elevations, roof plans and other drawings and documentation, architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. The elevations shall be prepared by a registered architect who shall sign the plan and place his/her seal upon it. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:
  - 1. Exterior material and colors;
  - 2. Type and pitch of roofs;
  - 3. Size and spacing of windows, doors and other openings;
  - 4. Size, location, colors, and copy of signs affixed to or hanging from the building;
  - 5. The relationship in bulk and height of other existing structure in the vicinity;

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6. Renderings (or model may be provided at the option of the applicant);
  7. Cross-sections of the site and buildings; and,
  8. Product literature on proposed light fixtures.
- f. Deeds, easements, agreements and other legal documents - Drafts of deeds, easements, agreements and other legal documents, including the following where applicable:
1. Deeds of land to be conveyed to the City for streets or other public purposes;
  2. Deeds of easement and right-of-way;
  3. Covenants and any other agreements affecting the use of the site;
  4. Articles of incorporation of a landowner's association and the by-laws of the association; and,
  5. Agreements between the applicant and the City regarding public improvements or other matters.

**10.5 Development and Performance Standards.** In order to receive plan approval, all projects or uses must demonstrate compliance with the development and performance standards of the following criteria:

- a. **Access and Traffic Impacts.** Applicants must demonstrate that the project will minimize traffic and safety impacts on City roads and the following:
  1. **Curb-cuts and Driveways.** The number of curb cuts on state and local roads shall be minimized. One access driveway per lot shall be permitted as a matter of right. Curb cuts shall be limited to the minimum width for safe entering and exiting, and the street width shall in not exceed 24 feet. All driveways shall be designed to afford motorists exiting to highways with safe sight distance. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic. To the extent feasible, access to businesses shall be provided via one of the following:
    - a. A common driveway serving adjacent lots or premises;
    - b. An existing side street; or,
    - c. A cul-de-sac or loop road shared by adjacent lots or premises.
  2. **Traffic Impact Statement.** In each case where more than 15 residential units are being proposed or a new commercial building(s) of more than 3,000 square feet total floor area is proposed, or where any proposed enlargement of a building would result in a building have more than 3,000 square feet total floor area, a traffic impact statement shall be prepared containing the following information:
    - a. A detailed assessment of the traffic impacts of the proposed project or use on the carrying capacity of any adjacent highway or road(s) and associated intersection;
    - b. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, promoting use of public transportation, or other appropriate means; and,
    - c. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
  3. **Pedestrian and Bicycle Circulation.** Each neighborhood street shall be designed to encourage pedestrian and bicycle travel by providing short routes to connect residential uses with nearby commercial services, schools, parks and other neighborhood facilities. Adequate pedestrian and bicycle access shall be provided as follows:
    - a. Sidewalks shall be provided to allow access to adjacent properties and between individual businesses within a development;

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- b. If the property directly abuts a pedestrian walkway or bikeway right-of-way, a paved access route to the bikeway shall be provided; and,
  - c. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways shall be linked together areas designated as open space within the site and whenever possible to adjoining public areas
4. **Public Streets & Sidewalks.** All public streets and sidewalks shall:
- a. Provide for deed public access and all roadways, driveways, trails and sidewalks within the project shall be constructed in conformance with the design and construction standards of Section 7 & 8 of the Amesbury Subdivision Rules and Regulations.
  - b. Conform to the “*Streetscape Cross-Sections*” shown in Figures 1-7 of Exhibit 3. In the event of a design conflict, these standards shall supersede other standards in the Zoning Ordinances or Subdivision Rules and Regulations.
  - c. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway standards, specifications, or special conditions as applicable.
5. **Private Road Construction.** All private on-site roadways shall be allowed in any development provided:
- a. Pavement widths for traveled ways (that is, not including parallel or perpendicular on-street parking) shall not be less than twenty (20) feet for two-way traffic or twelve (12) feet for one-way traffic;
  - b. Drainage and surface runoff are suitably accommodated if no curbing is to be provided;
  - c. Construction standards shall comply with design standards listed in Section 7.09.K of the Amesbury Subdivision Rules and Regulations;
  - d. All plans shall specify that such roadways are proposed not to be dedicated to the City but are to remain private roadways;
  - e. All deeds conveying any portion of land or a structure in any this development containing private roadways shall specify that such roadways are and are always to remain private roadways;
  - f. All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers, and other public improvements shall be constructed in accordance with the standards of the Amesbury Subdivision Rules and Regulations; and,
  - g. Utilities, including water, sewer, or storm drainage, proposed to be dedicated to the City shall be contained in suitable easements which conform to standards set forth by the Amesbury Subdivision Rules and Regulations.
- b. **Parking.** Applicants must demonstrate that the project will minimize traffic and safety impacts on City roads and the following:
- 1. **Number of Spaces.** Unless otherwise approved by the PAA, the following minimum and maximum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures:

Uses	Minimum Spaces	Maximum Spaces
Residential Uses	1.5 spaces per unit	1.75 spaces per unit
Commercial	3 spaces per 1,000 SF	3.5 spaces per 1,000 SF

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Uses	of GFA	of GFA
Mixed-Use	Residential requirement plus nonresidential requirement	Residential requirement plus nonresidential requirement

The PAA may allow for additional visitor parking spaces beyond the maximum spaces per unit if deemed appropriate given the design, layout, and density of the proposed development.

2. Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
  
3. Reduction in Parking Requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
  - a. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
  - b. The availability of public or commercial parking facilities in the vicinity of the use being served;
  - c. Shared use of off-street parking spaces serving other uses having peak user demands at different times;
  - d. Age or other occupancy restrictions that are likely to result in a lower level of auto usage;
  - e. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and,
  - f. Such other factors as may be considered by the PAA.
  
4. Location of Parking. To the maximum extent feasible, any surface parking lot shall:
  - a. Be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way;
  - b. Locate no more than 25% of the total parking requirements or 10 car spaces along the front yard relative to any principal street, public open space, or pedestrian way;
  - c. Arrange all parking and loading spaces to prevent the backing of automobiles onto any street;
  - d. Design all off-street parking spaces must be at least nine (9) feet in width, eighteen (18) feet in length with an aisle twenty-four (24) feet in width for a two-way double loaded bay and eighteen (18) feet in width for a one-way single loaded bay. In particular circumstances,

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the alternative parking lot configurations, per Section VIII of the Amesbury Zoning Ordinance, may be allowed at the discretion of the Planning Board;

- e. Design all off-street parking and loading spaces, access ways, and maneuvering area so as to provide for adequate drainage, snow removal, maneuverability and curb cuts; and,
- f. Establish a buffer strip at least five (5) feet wide adjacent to all buildings and lot lines. No vehicles shall be parked within any buffer strip.

c. **Landscaping**. All Plans shall comply with the following requirements:

1. **Landscape Buffers**. A landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees having a minimum 3" caliper, planted at least every 50 feet along the road frontage. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.
2. **Retaining Walls**. Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be a natural stone finish and vertical cast in place concrete shall not be permitted.
3. **Fences, Decorative Walls and Hedges**. Fences, low decorative walls and hedges define walkways, give pedestrian scale to the street and maintain the historic character of the City. The materials and design shall reflect the period and the ornateness of the building they delineate. The use of low decorative fences to delineate spaces is strongly encouraged and the use of any type of chain link or stockade fence is prohibited.
4. **Existing Vegetation & Disturbed Areas**. To the greatest extent practical, existing natural vegetation shall be preserved. Unless designated as protected open space by the Board, all open and disturbed areas within a project should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture;
5. **Pedestrian Amenities**. Pedestrian/oriented features such as covered walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas and recreational facilities shall be included within the landscape plan;
6. **Parking Areas**. Parking areas containing over 20 parking spaces shall have at least one shade tree per eight (8) parking spaces, such trees to be a minimum of 2 ½ inches in diameter and located either in the parking area or within ten (10) feet of it. At least five (5)% of the interior of any parking area over 20 spaces shall be maintained with landscaping, including trees, in plots of at least nine (9) feet in width when located within a parking bay. Trees shall be so located to provide visual relief from sun and wind interruption within the parking area, and to assure safe patterns of internal circulation. Further, no more than twenty (20) spaces shall be provided in a row without separation by a landscaped area containing at least one (1) shade tree. In the case of double rows, this separation shall mean twenty (20) spaces on each side of the bay areas. Smaller parking lots shall use landscaping and terracing to break up large

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areas of pavement and to enhance a residential flavor and appearance; trees and shrubs shall be used to the maximum extent feasible.

7. Storage Areas. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.
8. Planting Materials. High-quality, drought-resistant, native landscaping shall be provided within the project.
9. Maintenance. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

d. Open Space. All Plans shall comply with the following requirements:

1. Use. To the greatest extent possible, such open space shall be left in its undisturbed natural condition or, at the discretion of the PAA, it shall be developed so as to be appropriate, in size, shape, dimension, location, and character to assure access to and its use as a park, recreational area, and visual amenity for the development and its residents.
2. Abutting Conservation Areas. To the extent possible, open space should be planned as single contiguous areas and configured contiguously with abutting conservation open areas. The Board may require a project to provide public access from one or more streets, ways or other public access trails.
3. Permanent Protection. Open space areas left in their natural condition shall be deed restricted in perpetuity through a permanent conservation restriction.
4. Resident's Association. In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, each project development shall have a Resident's Association or similar responsible entity, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Essex Registry of Deeds or Registry District of the Land Court. As part of the Plan Approval, the applicant shall supply to the PAA copies of such proposed instrument.

- e. Building Design. Building design shall be reviewed by PAA with input from City officials including the Design Review Committee and any review consultant(s) employed by the PAA, and others as appropriate. The following design elements listed in this subsection are to be interpreted as building design standards to be applied by the PAA as appropriate to the criteria under review, including factors such as foundation and soil characteristics, scenic views, and other extraordinary site constraints.

For the AGV-SGOD these building design standards are supplemented by the "Building Height, Placement, and Character Examples" shown in Figures 1-6 of Exhibit 4 and the Conceptual Site Plan shown in Exhibit 5.

For the EE-SGOD, these building design standards are supplemented by the "Building Design, Placement, and Character Examples" set forth in the document titled "Style Guide



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*for Smart Growth Overlay Districts in Amesbury*” (Style Guide) as may be amended by the Amesbury Planning Board from time to time.

### **1. Building Size, Height & Scale:**

- a. New buildings facing public ways shall be constructed to a size, scale and height roughly equal to the average size, scale and height of existing historic buildings (of a similar use) within 200 feet from the structure.
- b. If there are no existing buildings (of a similar use) within 200 feet, new buildings facing public ways shall be constructed to a size, scale and height roughly equal to the average size, scale and height of historic structures (of similar use) in the surrounding historical neighborhoods in Amesbury.
- c. Any portions of new buildings within 200 feet of existing residential buildings three (3) stories or less, shall not exceed three (3) stories. The PAA may waive the two hundred (200) feet to no less than seventy five (75) feet provided a landscape buffer is provided along the closest property line(s) consisting of a combination of solid wooden fencing at least 6 feet high and a 20 feet wide vegetative buffer consisting of evergreen trees no less than 4” in caliper and other evergreen flowering shrubs as approved by the PAA. See Style Guide.

### **2. Building Placement:**

- a. Building placement shall preserve scenic views from major vantage points within the site, especially to and from Route 110 and the abutting residential neighborhoods;
- b. Except for recreational access, disturbance of steep slopes (over 25%) and the placement of buildings in areas that require extensive alteration of steep slopes and mature vegetation through road, utilities or building construction shall be avoided;
- c. To the maximum extent feasible, variations in lot shape and size shall be included to preserve the walkability and spatial character of the City.

### **3. Building Massing:** The style guide is a good reference but does not supersede the elements below. At a minimum proposed building shall incorporate the following:

- a. To complement and integrate the buildings into the surrounding neighborhood context, uninteresting boxlike forms shall be broken into smaller, varied masses;
- b. Single, monolithic forms that are not relieved by variations in massing shall be avoided;
- c. Building facades shall be broken at minimum every 100 feet except in the EE-SGOD where it is minimum 50 feet;
- d. Human-scale features such as porches, patios, walkways and gardens, especially at lower levels within mixed use buildings shall be provided.

## EAST END SMART GROWTH OVERLAY DISTRICT

- e. Facades shall be articulated by projecting or recessed bays, balconies, or setbacks and should be broken into a series of smaller varied elements by incorporating projections or recesses, canopies, trellises or awnings, balconies, doorways or windows, roof shapes and heights, to vary the facade and emphasize architectural features. Projecting bays, recesses, and cornices are encouraged at all floor levels.
  - f. A change in plane shall be accompanied by a change in material, texture, roof line/height, and/or expressed joints and details. Recesses and projections of the building facades shall be a minimum of 18” deep. Windows, wall panels, pilasters, and building bays should be carried across building walls to relieve blank surfaces. False commercial storefronts are not permitted.
  - g. The architectural style of the primary façade shall be continued on all publicly visible sides of the building. Blank side and rear wall surfaces greater than twenty (20) linear feet are prohibited on walls that are visible from streets or other public areas. Elements may be simplified at the rear of buildings to clarify a front/back hierarchy.
  - h. Horizontal elements such as belt courses, projecting cornices, canopies, and step backs should be combined with vertical elements such as recesses, projecting bays, parapets and vertically aligned windows, to create facades that provide depth and visual interest.
  - i. Mixed use buildings shall use proportions – a dominant horizontality in architectural elements for commercial, and a dominant verticality for Residential – to give legibility to building uses.
  - j. Building footprints shall be located roughly parallel with existing public streets in order to reinforce the street line and other pedestrian access areas.
  - k. Wherever it abuts a historic or previously approved Project, new Projects should incorporate design transitions between new buildings and existing buildings, using comparable materials, roof design, fencing materials and landscaping as the existing or previously approved Project.
  - l. New mixed-use buildings (facing public ways) should provide outdoor gathering areas. See Style Guide.
- 4. Sense of Entry:**
- a. Main entrances to the building shall include covered porches, porticos, and other pronounced architectural forms; and
  - b. Facades with no strong sense of entry shall be avoided.
- 5. Fenestration:**
- a. Window openings shall be as close as possible to a width to height ratio of 1:2 or as close to and 1:1.5 - 1:1.618;
  - b. Muntin pattern, thickness and recess shall be consistent with traditional architectural styles within the surrounding neighborhood;

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- c. The recurrent alternation of wall areas with door and window elements in the façade shall be respected;
  - d. The width-to-height ratio of bays in the façade shall be consistent with traditional building patterns;
  - e. The use of windows with “true divided lites” or similar is highly encouraged;
  - f. Muntin pattern and thickness shall match historic patterns in the neighborhood and shall include only windows with muntins at least on the exterior of the glass; and
  - g. In order to make the windows stand out , some simple trim around the casing shall be used, and shall be recessed from the siding.
- 6. Dormers:**
- a. If used, dormers shall be of a historical scale and design. See Style Guide.
  - b. Dormers shall not be so big that they distract from the gable end roofline; and
  - c. Windows shall almost fill the face wall of the dormer and match the windows in the rest of the building.
- 7. Building Outdoor Lighting:**
- a. The style shall match the period of and compliment the building;
  - b. Broad area lighting will be highly discouraged while soft lighting aimed down will be highly encouraged;
  - c. Entry lights shall be mounted within the siding not on the door trim; and
  - d. All light fixtures shall be Dark Sky Certified or Compliant and designed to provide the minimum illumination recommended by the IESNA in the most current edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- 8. Garages and Driveways:**
- a. Garages shall be subservient in size, height and location to the overall building;
  - b. Garages shall be located so that cars parked outside the structure will not project beyond the front building wall
  - c. The use of detached garages to the rear of the lot is highly encouraged;
  - d. Attached front-entry garages shall be a minimum of 10 feet behind the front main building wall;
  - e. Attached garages, not setback from the front main building façade, shall be designed to have access from the side or from the rear of the building not visible from the public way; and

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- f. Drive-under garages in the front of the building facing and along Route 110/public ways are not permitted.

### **9. Roofline Articulation:**

- a. The roof design shall provide a variety of building heights and varied roofline articulation. See Style Guide.
- b. All utilities shall be located underground and protuberances through or on the front of roofs is highly discouraged;
- c. Introducing roof shapes, pitches, or materials not traditionally used in the area shall be avoided and flat roofs are highly discouraged;
- d. For any building, visible roofs shall not rival or exceed walls in their respective visible proportions from street views; and
- e. Pork chop roof returns are prohibited.

### **10. Building Materials:**

- a. Materials and building treatments shall be used that reduce the visibility of buildings from distant vantage points and shall be consistent and compatible with the materials, backgrounds and surrounding neighborhood buildings;
- b. Materials and colors shall be used that are consistent and compatible with the quality and character of other buildings of surrounding neighborhood buildings; and
- c. Natural materials, such as brick, stone, wood clapboards and shingles, and slate are preferred over industrial materials such as concrete, sheet metal, asphalt shingles, vinyl and plastic synthetic siding and windows, tinted glass and insulated steel doors; especially those that can be seen at the pedestrian level.

### **11. Energy Efficiency:**

- a. All buildings shall reflect environmentally responsible design and construction practices as governed by the Energy Star Program; and
- b. Buildings are also strongly encouraged to be certifiable by the U.S. Green Building Council LEED Rating System.

- f. **Stormwater Management, Wetlands and Riverfront Areas.** In establishing compliance with the local Amesbury Wetland Protection Ordinance, within the SGOD these standards are as follows:

- 1. Any permanent disturbance to an isolated wetland on the site must be mitigated by providing in-kind replication of the wetland at a minimum of 1:1 (impact area: replication area) within the Smart Growth Overlay District. If an isolated wetland is located within 200 feet of a Bordering Vegetated Wetland (BVW), then any impacts

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to that isolated wetland shall be replicated within the 200 feet of that same BVW system;

2. Any permanent disturbance to a Bank of an intermittent stream must be replicated in accordance with the requirements in the MA Wetland Protection Act, and the replicated bank must be located within the Smart Growth District and must be bordered by a buffer of native vegetation to the maximum width possible;
3. New development within the 100-foot buffer to the floodplain will be permitted only for use as a pedestrian recreational trail, primary vehicular access if the PPA determines that the location of the primary access is the preferred location on the site, or secondary emergency access if the PPA determines, with input from the Police and Fire Departments, that the location of the secondary access is the preferred location on the site;
4. No new permanent disturbance to the Bank of a perennial stream or river will be permitted. All projects must maintain a minimum no-alteration setback distance of 100 feet from the Bank of a perennial stream, with the exception of the redevelopment of pre-existing access for use as a pedestrian recreational trail or primary vehicular access if the PPA determines that the location of the primary access is the preferred location on the site. If this exception applies, the project shall maintain the widest reasonable setback distance to minimize impacts to the area within 100 feet of the river bank, and shall comply with all other requirements of the Rivers Protection Provisions of the MA Wetlands Protection Act;
5. Except for disturbance permitted under Section 1, all projects must maintain a vegetated buffer of 25 feet around all isolated and bordering vegetated wetlands. All new plantings that are required to stabilize this buffer area and/or revegetate it after the construction phase of a project must be native, non-invasive species and must be appropriate transitional species in accordance with the topography and soils within the buffer area;
6. All new plantings within the site must be non-invasive species, and no exotic ornamental plantings shall be planted within the 100 foot buffer to a wetland resource area, as defined by the MA Wetlands Protection Act;
7. All projects must meet the MA DEP/CZM standards as described in the Massachusetts Stormwater Policy (Volumes 1 and 2) (MA DEP/CZM, 1996, as updated), regardless of whether the project discharges directly to a wetland resource or falls under the jurisdiction of the MA Wetland Protection Act; and,
8. All projects must comply with all federal, state and local wetland regulations.

- g. **Erosion Control.** Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:
1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regarding shall be permanently stabilized within six months of occupancy of a structure;
  2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps;
  3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service;
  4. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall; and,

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5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.
- h. **Water Quality**. Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drain pipes, reduction of paved areas, and reduction of building coverage. To improve water quality techniques such as installing low impact development drainage systems such as rain gardens, bio-retention areas and water quality swales. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.
- i. **Hazardous Material and Explosive Materials**. The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Amesbury Fire Department plus all relevant state and federal regulations.
- j. **Lighting**. All Plans shall comply with the following requirements:
  1. Parking lot pole lighting shall not exceed a height of 18 feet;
  2. Lighting along the driveways, pedestrian walkways and sidewalks shall not exceed 12 feet in height; and,
  3. The pole heights should determine the overall spacing of the poles and fixtures shall be of the cutoff luminaries type. Lamp type should be metal halide to provide a natural uniform quality of light. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.
  4. All other provisions of Section XI.C.8.i.
- k. **Environmental Performance Standards**. All Plans shall comply with the following requirements:
  1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located;
  2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire fighting and fire suppression devices and equipment;
  3. No activities that emit dangerous radioactivity at any point; no electrical disturbance adversely affecting the operation of any point, or any equipment other than that operation at any point, or any equipment other than that of the creator of such disturbance shall be permitted;
  4. No emission of visible smoke of a shade darker than No 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines shall be permitted;
  5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling at any point, or in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted;
  6. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply, or

## EAST END SMART GROWTH OVERLAY DISTRICT

otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted;

7. No vibration which is discernible to the human sense of feeling for three (3) minutes or more in any hour between 7:00 A.M. and 7:00 P.M. or for thirty (30) seconds or more in any hour between 7:00 P.M. to 7:00 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin N.442;
8. No emission or odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted; and,
9. No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as welding shall be permitted.

1. **Noise.** All Plans shall comply with the following requirements:

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence;
2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or district line, whichever is more restrictive of the source:

Frequency Band (Cycles Per Second)	Sound Pressure Level (Decibel re.0.002 dyne/CM)
20-75	65
75-100	54
150-300	47
300-600	41
600-1200	37
1200-2400	34
2400-4800	31
4800-10,000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- |   |    |
|---|----|
| a. Daytime Operation Only                                   | +5 |
| b. Noise source operations less than 20% of any hour period | +5 |

Note: Only one (1) of above corrections may be applied.

## EAST END SMART GROWTH OVERLAY DISTRICT

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noises shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters." The interment shall be set to the A-weight response scale. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound";

3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning device, parades, or other similar special circumstances; and,
4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.

m. **Utilities.** All Plans shall comply with the following requirements:

1. Electric, telephone, cable TV and other such utilities shall be underground from existing roadway utilities; and,
2. The applicant must demonstrate that the proposed development is consistent with the City's Planned Infrastructure Report and Capital Improvement Plan and that it will not overburden public sewer, water, and other service systems. If sewerage is to be treated on site, the applicant shall submit plans and specifications for said treatment system and shall demonstrate that the system will not negatively impact adjacent properties or aquifer recharge areas.

n. **Signs.** All Plans shall comply with the following requirements:

n.1 In the AGV-SGOD, the following signs shall be allowed:

- i. Business Signs: For each individual business only one sign shall be permitted, with a maximum signboard area (either a wall or projecting sign) of fifteen (15) square feet or 10% of the area of the wall upon which it is placed, whichever is lesser, with content limited to identifying the name and/or corporate logo of the business;
- ii. Directory Signs. One freestanding directory sign is also permitted for each commercial development with four (4) or more businesses provided: it shall not exceed 30 square feet in surface area; shall be setback at least ten (10) feet from the street line; it shall not exceed six (6) feet in height above the ground; and, it shall contain a continuous background color with each business displayed thereon;
- iii. Directional Signs. Directional signs, for the sole purposes of orientation and direction, and of identifying common building spaces, are also permitted per the review and approval of the Board;
- iv. Free-Standing Ground Signs. One free standing ground sign shall be allowed for a multi-family development with more than twenty four (24) or more residential units provided: it is built in a landscaped planter; shall not exceed twelve (12) square feet; and shall not exceed six (6) feet in height above ground;
- v. Lighting. All signs shall be indirectly lit and neon signs shall not be allowed; and,
- vi. Other Signs. Reader boards, LED lights, or other similar signs are not permitted.

n.2 In the EE-SGOD, the signs shall be required to follow the requirements of signs allowed in the Central Business District. No other signs shall be allowed.



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**o. Shadows.** Between 9:00 a.m. and 3:00 p.m. (EST) from February 21st to October 21st, no building shall cast a shadow on any residential structure in existence at the time of Preliminary Plan submission.

**p. Universal Access.** All buildings shall conform to the universal access requirements of 521 CMR (The Rules and Regulations of the Massachusetts Architectural Access Board), the Uniform Federal Accessibility Standards (UFAS), as referenced by Section 504 of the Rehabilitation Act, the 24 CFR 100.205 - Federal Fair Housing Act (FHA) requirements for Accessible Design and Construction, and Appendix A to 26 CFR Part 36 - ADA Standards for Accessible Design (ADAAG), as referenced in the Americans with Disabilities Act.

### 11. PLAN APPROVAL DECISIONS

**11.1 Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. The Applicant has submitted the required fees and information as set forth in the PAA Regulations; and,
2. The Project as described in the application meets all of the requirements, criteria and standards set forth in Section 10: Design Standards for the SGOD, and the PAA Regulations, or a waiver has been granted there from; and,
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 6.0, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section XI.Q, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

**11.2 Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

1. The Applicant has not submitted the required fees and information as set forth in the PAA Regulations; or
2. The Project as described in the application does not meet all of the requirements, criteria and standards set forth in Section 10, Design Standards for the SGOD, and the PAA Regulations, or that a requested waiver there from has not been granted; or
3. It is not possible to adequately mitigate extraordinary adverse project impacts on nearby properties by means of suitable conditions.

**11.3 Waivers.** Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section XI.Q, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section XI.Q.

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- 11.4 Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.
- 11.5 Form of Decision.** The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.
- 11.6 Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

## 12. CHANGE IN PLANS AFTER APPROVAL BY PAA

- 12.1 Minor Change.** After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the City Clerk.
- 12.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 8.0 - through 10.0.

## **EAST END SMART GROWTH OVERLAY DISTRICT**

### **13. SEVERABILITY.**

If any provision of this Section XI.Q is found to be invalid by a court of competent jurisdiction, the remainder of Section XI.Q shall not be affected but shall remain in full force. The invalidity of any provision of this Section XI.Q shall not affect the validity of the remaining Ordinance.

# EAST END SMART GROWTH OVERLAY DISTRICT

## Amesbury Zoning Overlay Map - Add EE-SGOD along with the sub-districts

### Revised EE-SGODMAP001

