



**Town of North Andover**  
**Town Clerk's Office**  
120 Main Street  
North Andover, MA 01845  
978-688-9501  
townclerk@northandoverma.gov

Carla Dawne Warren,  
Town Clerk

June 10, 2024

**TO WHOM IT MAY CONCERN:**

This is to certify that at the first and only session of the Annual Town Meeting of the Inhabitants of the Town of North Andover held on May 14, 2024, the following Article and VOTE was taken thereon, to wit:

**Article 28: Amend Zoning Bylaw – By adding Article 19 MBTA Multi-Family Housing Overlay District. MOTION PASSED BY A VOTE OF 535 IN THE AFFIRMATIVE AND 253 IN THE NEGATIVE** to amend the Town of North Andover Zoning Bylaw, by adding, after Article 18, a new Article 19 MBTA Multi-Family Housing Overlay District to read as follows:

**ARTICLE 19**  
**MBTA MULTI-FAMILY HOUSING OVERLAY DISTRICT**

**PART 1. Purpose and Intent.**

**§195-19.1 Purpose**

The purpose of the MBTA Multi-Family Housing Overlay District (Overlay District) is to comply with MGL c.40A, §3A. The Overlay District is also intended to pair a variety of housing opportunities with other development(s) that may provide goods, services, Open Space, and vibrant, walkable, pedestrian- and bicycle-friendly environments. Any development or redevelopment brought forth under Article 19 shall include an allowable residential component (townhouse(s) and/or multi-family residential homes).

**§195-19.2 Intent**



The intent of the Overlay District is to establish reasonable standards that permit and control mixed residential, commercial, governmental, institutional, and office Uses within the Overlay District in the Town of North Andover. Furthermore, it is the intent of this Overlay District to:

- A. Control the design of commercial and residential redevelopment along Routes 114 and 125 in such a manner that encourages sound site planning, appropriate land use, and economic redevelopment and to promote public health, safety, and welfare.
- B. Encourage production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- C. Locate housing within walking distance of public transit to promote general public health, reduce the number of vehicular miles travelled, and support economic development, and meet community based environmental goals, including reducing greenhouse gases and improving air quality;
- D. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
- E. Establish standards to allow context-sensitive design and creative site planning;
- F. Preserve Open Space by locating new housing within or adjacent to existing developed areas and infrastructure;
- G. Support public investment in public transit and pedestrian- and bike-friendly infrastructure;
- H. Minimize visual and functional conflicts between residential and nonresidential Uses within the Overlay District;
- I. Allow for a mix of Uses within a single Structure and first-floor commercial spaces, so long as any mixed-use proposal involves the development of townhouse(s) and/or multi-family residential homes;



- J. Accommodate a compatible mixture of townhouse(s) and/or multi-family residential homes with other allowable Uses which together complement existing adjoining commercial and residential Uses within the Route 114/125 transportation corridor;
- K. Implement requirements as an MBTA Community whereby the Town is identified as an Adjacent Community pursuant to the Compliance Guidelines, and in a manner consistent with the Town of North Andover's Action Plan for MBTA Communities, all as required under Section 3A of MGL c. 40A;
- L. Improve the gateway experience into North Andover along Routes 114 and 125; and
- M. Allow flexibility under Development Project Plan Approval in the development of tracts of land in accordance with the goals and objectives in the Town of North Andover Master Plan.

### **§195-19.3 Definitions.**

For the purpose of this Article 19, the following definitions shall apply and shall supersede those set forth in Article 2. Capitalized terms used but not defined herein shall have the meanings set forth in the Plan Approval Authority Rules and Regulations, or, if not defined therein, as set forth in Article 2.

### **APPLICANT**

A person, business, or organization that applies for Development Project Plan Review, or Amended Plan Review, under this Article 19 MBTA Multi-Family Housing Overlay District.

### **ADJACENT COMMUNITY**

An MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

### **ARTIST'S STUDIO**

A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses.

### **AS-OF-RIGHT PROJECT**



A Development Project of townhouse(s) and/or multi-family residential homes; and possibly other allowable nonresidential Use(s) under this Article 19, but without recourse to a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. All As-Of-Right Projects must contain an allowable residential component.

### **BREWERY, DISTILLERY, and WINERY**

A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically in conjunction with a bar, tavern, or restaurant use. This includes the substantial equivalent to breweries, distilleries, and wineries.

### **COMPLIANCE GUIDELINES**

Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

### **COMMUTER RAIL STATION**

Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

### **COWORKING SPACE**

A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource, libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other.

### **DESIGN GUIDELINES**

The Design Standards listed in Part 6 are applicable to all Projects within the Overlay District that are subject to Development Project Plan Approval by the Planning Board.

### **DEVELOPMENT PROJECT**

One or more Building(s) and/or Structure(s) that may be constructed at different times in accordance with Article 19, not each required to be developed on an independent lot, comprising of a stand-alone townhouse(s) and/or multi-family residential homes; with any permitted Use or mix of Uses provided for under this Article 19. Any proposed Development Project must include a permitted residential Use. A



Development Project shall be identified on a Development Project Plan which is submitted to the Planning Board for Development Project Plan Review.

### **DEVELOPMENT PROJECT PLAN**

A plan depicting a proposed Development Project for all or a portion of the Overlay District and which is submitted to the Planning Board for its review and approval in accordance with this Article 19.

### **DEVELOPMENT PROJECT PLAN APPROVAL**

A determination, following the completion of a Development Project Plan Review, made in the form of a written decision by the Plan Approval Authority (PAA) finding that the proposed plan for the Development Project is in compliance with the standards and criteria for which a site located within the Overlay District must meet under the procedures established herein.

### **DEVELOPMENT PROJECT PLAN REVIEW**

The review procedure established by this Article 19 and administered by the Plan Approval Authority. While similar to Site Plan Review as established in Article 8, Part 3 of the Zoning Bylaw, Development Project Plan Review as used and referenced in this Article 19 is a separate and distinct process not subject to Article 8, Part 3 of the Zoning Bylaw.

### **DRIVEWAY or DRIVE LANE**

A portion of the Overlay District designed for vehicular access to off-street parking or loading space or to a garage. For purposes of this Article 19, a Driveway or Drive Lane is distinguished from a "Roadway" as defined below.

### **EOHLC**

The Executive Office of Housing and Livable Communities, the housing secretariat and organization within the Commonwealth of Massachusetts which was created by Chapter 7 of the Acts of 2023, and "Act to Create the Executive office of Housing and Livable Communities and to Rename the Executive Office of Economic Development," and which became effective on May 4, 2023 or any successor agency.

### **FLOOR AREA RATIO**

The ratio of the floor area to the Overlay District land area, as determined by dividing the total Gross Floor Area of all existing Buildings and any Development



Project proposed within the Overlay District pursuant to a Development Plan by the land area of the Overlay District.

## **GOVERNING LAWS**

G.L. Chapter 40A, the State Zoning Act, as amended.

## **GROSS DENSITY**

A units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.

## **HOTEL, BOUTIQUE INN**

A small lodging facility with between 6 and 20 guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days. Access to each guest room shall be through an inside lobby supervised at all hours.

## **LANDSCAPED BUFFER**

A planted area intended to provide, when mature, a visual screen around the perimeter of the Overlay District where it abuts a residential District. Landscaped buffers may include existing vegetation, new plantings and/or lawn areas. Fencing may form a part of the Landscaped Buffer or screening where appropriate or dictated by topography or other considerations.

## **LANDSCAPING**

Improvements to land to enhance its attractiveness and facilitate its use and enjoyment. Landscaping may include walks, terraces and the like, fencing, stone walls or other decorative walls, site furnishings, grading and reshaping of earth contours, planting, and lawn areas. Landscaping may also include existing natural areas indicated to remain and/or be renovated.

## **LOT COVERAGE**

The percent of the Overlay District covered by Principal and Accessory Structures. Lot coverage does not include surface parking.

## **MAKER SPACE**

A building or portions thereof used for on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental



storage, sales, and distribution of such projects. Typical uses include but are not limited to the following: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production and paper design and production.

## **MBTA**

Massachusetts Bay Transportation Authority.

## **MBTA COMMUNITY**

A city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

## **MIXED-USE DEVELOPMENT**

Development Project containing a mix of allowable residential Uses (townhouse(s) and/or multi-family); with allowable non-residential Uses as set forth in this Article 19.,

## **MULTI-FAMILY RESIDENTIAL USE**

A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building.

## **MBTA MULTI-FAMILY HOUSING OVERLAY DISTRICT**

A zoning district, in which townhouse and multi-family housing is allowed as-of-right.

## **OPEN SPACE**

The portion of the Overlay District not occupied by Buildings, Parking Areas or Parking Garages, Roadways, Driveways and Drive Lanes, but which shall include, among other areas, all landscaped, patio areas and stormwater management facilities, all un-built areas, all sidewalks and walkways, and all swimming pools, tennis courts and other recreational facilities primarily open to the sky, whether or not landscaped.

## **OVERLAY DISTRICT**



The North Andover MBTA Communities MBTA Multi-Family Housing Overlay District established in accordance with this Article 19.

## **PAA RULES and REGULATIONS**

The rules and regulations of the PAA that may be adopted for the administration of Article 19, which may include but not be limited to defining the application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and procedural requirements for any approvals required pursuant to Article 19. Such Rules and Regulations shall not take effect until filed with the Town Clerk.

## **PARKING, STRUCTURED**

A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

## **PARKING, SURFACE**

One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

## **PLANNING BOARD**

See Plan Approval Authority.

## **PLAN APPROVAL AUTHORITY (PAA)**

For purposes of reviewing Development Project applications and issuing decisions on Development Projects within the Overlay District, the Planning Board shall be the Plan Approval Authority (PAA) and, consistent with MGL c. 40A, shall be the Special Permit Granting Authority as provided herein, and the PAA is authorized to issue a Development Project Plan Approval and grant special permits to implement a Development Project.

## **RESIDENTIAL DWELLING UNIT**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## **RECREATIONAL USES**





Active recreational uses, including but not limited to ball fields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized Uses shall not be considered eligible recreational uses.

## **ROADWAY**

A main vehicular access corridor adjacent to the Overlay District, as referred to in §195-19.29 herein. A Roadway is not a "Driveway" or "Drive Lane" as defined above.

## **SECTION 3A**

Section 3A of the Zoning Act, G.L. c. 40A which provides, in part, that an MBTA Community shall have a zoning ordinance that provides for at least 1 district of reasonable size in which townhouses or multi-family housing is permitted as-of-right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of Chapter 131 and title 5 of the state environmental code established pursuant to Section 13 of Chapter 21A; and (ii) be located not more than 0.5 miles from a Commuter Rail Station, subway station, ferry terminal or bus station, if applicable.

## **SPECIAL PERMIT GRANTING AUTHORITY**

The Special Permit Granting Authority shall include the Select Board, Planning Board, Zoning Board of Appeals, or zoning administrators as designated by the Zoning Bylaw for the issuance of special permits.

## **SUBDISTRICT**

A specific and defined area of land within the Overlay District that is subject to specific requirements for allowable Uses and/or other requirements that may differ from the requirements for allowable Uses and/or other requirements in other specific and defined areas within the Overlay District. The boundaries and the names of the Subdistricts are referred to in § 195-19.8 herein.

## **TOWNHOUSE RESIDENTIAL USE**

An attached house in a row of three or more such houses capable of being sold as an independent dwelling with its own lot, as provided by this bylaw.

## **UNDERLYING ZONING DISTRICT(S)**

The zoning district or districts otherwise established by the Zoning Bylaw and shown on the Zoning Map without regard to this Article 19.



## **USE**

The purpose for which a Structure or land is used or intended to be used for those allowable purposes described in the Article 19.

## **ZONING ACT**

G. L. Chapter 40A, §§ 1-17, as amended, or the State Zoning Act.

## **ZONING BYLAW**

The Zoning Bylaw of the Town of North Andover, as amended.

## **PART 2. Overlay District.**

### **§195-19.4 Establishment and Applicability**

The Town of North Andover shall establish the MBTA Communities MBTA Multi-Family Housing Overlay District, hereinafter, referred to as the Overlay District, pursuant to Section

3A of G.L. Chapter 40A. The Overlay District, having a land area of approximately 93 acres in size, is known as the MBTA Multi-Family Housing Overlay District is superimposed over the underlying zoning district(s), and is shown on the Zoning Map as set forth on the map entitled “MBTA Multi-Family Housing Overlay District Map,” prepared by the Office of Community and Economic Development. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

### **§195-19.5 Establishment; Map.**

The Overlay District is an overlay district having land area of approximately 93 acres in size, as more particularly shown on the map entitled “MBTA Multi-Family Housing Overlay District Map”, prepared by Merrimack Valley Planning Commission, dated February 2, 2024. This map is hereby made a part of the Zoning Bylaw and is on file in the office of the Town Clerk (the “MBTA Multi-Family Housing Overlay District Map”). The Town of North Andover Zoning Map will be amended upon passage of this Article 19 at Town Meeting as if independently voted upon.

### **§195-19.6 Applicability and Relationship to Underlying Zoning District.**

An Applicant proposing a Development Project may elect to proceed with the filing for a Development Project located within the Overlay District in accordance with the provisions of the Governing Laws and this Article 19. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such Development Project shall not be



subject to any other provisions of the Zoning Bylaw, except where otherwise provided in this Article 19.

### **§195-19.7 Underlying Zoning**

The Overlay District is an overlay district superimposed on the applicable Underlying Zoning Districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the applicable Underlying Zoning District(s) and other applicable overlay districts shall remain in full force, except for those Development Projects undergoing development pursuant to this Article 19 MBTA Multi-Family Housing Overlay District. Within the boundaries of the Overlay District, a developer may elect either to develop a Development Project in accordance with the requirements of the Overlay District, develop a project under any other applicable overlay district, or to develop a project in accordance with requirements of the regulations for use. Uses proposed in the Underlying Zoning District(s) are governed by the requirements of the Underlying Zoning District.

### **§195-19.8 Subdistricts**

The Overlay District contains two Subdistricts, each hereby established and all in the locations shown on the MBTA Multi-Family Housing Overlay District Map, including: (i) Subdistrict 1 North Andover Mall, containing approximately 34.65 acres and (ii) Subdistrict 2 Osgood Landing, containing approximately 57.68 acres, all as depicted on the Zoning Map.

The purpose of Subdistrict 1 and Subdistrict 2 is to: (i) allow Development Projects which increase the efficiency of land use on land which is substantially developed area; (ii) to allow Development Projects which may include townhouse(s) and/or multi-family residential homes; or a mixture of allowable housing with complementary land uses such as, retail, offices, commercial services, and civic Uses; (iii) promote a diversity of housing types, emphasize and encourage pedestrian and bicycle circulation; and (iv) appropriately transitioning from commercial and residential properties abutting the Overlay District.

## **PART 3. Administration, Enforcement.**

### **§195-19.9 Administration Authority**

The provisions of this Article 19 shall be administered by the Planning Board, as the PAA, except as otherwise provided herein.



**§195-19.10 Enforcing Authority; Building permit required.**

This Article 19 shall be enforced by the Building Commissioner, except as otherwise provided herein. No Structure shall be constructed, reconstructed, enlarged, altered, moved, removed or demolished as part of a Development Project governed by this Article 19 without obtaining a building permit.

**PART 4. Permitted Uses.**

**§195-19.11 Development Project.**

Overview. A Development Project proposed pursuant to this Article 19 shall be submitted for Development Project Plan Review along with a Development Project Plan consistent with the provisions of Article 19: MBTA Multi-Family Housing Overlay District.

The following Uses are permitted, as more specifically described below:

**§195-19.12 Permitted Uses.**

In the Overlay District, no land shall be used and no Building or Structure shall be reconstructed, erected, altered or used for any other purpose than of one or more of the following Uses described below.

- A. As-of-Right Project. The following Uses shall be permitted as-of-right in Subdistrict 1 and Subdistrict 2 upon issuance of a Development Project Plan Approval pursuant to the provisions of this Article 19. An As-Of-Right Project shall include a Townhouse Residential Use and/or a Multi-Family Residential Use; and may or may not include one or more of the following allowable non-residential uses:
1. Recreational Uses;
  2. Maker Space;
  3. Coworking Space
  4. Open Space;
  5. Retail sales establishments, of no more than 15,000 square feet of Gross Floor Area;



6. Restaurants, cafes, or other establishments serving food and/or beverages, establishments of no more than 15,000 square feet of Gross Floor Area;
7. Brewery, Distillery, and/or Winery, of no more than 15,000 square feet of Gross Floor Area;
8. Personal service establishments;
9. Public Buildings or Uses and public service corporations;
10. Veterinary hospital or kennel;
11. Professional Offices, including, but not limited to, banks (including ATMs), real estate offices, insurance offices, physician offices, clinics, dentists, attorneys, architects, engineers or accountants;
12. Business Offices, including, but not limited to banks (including ATMs whether attached or detached) and financial institutions;
13. Uses exempt by statute (MGL c. 40A, § 3);
14. Artist's studios, galleries or museums;
15. Solar Energy Systems, in accordance with Article 8 Part 12;
16. Parking accessory to any of the above permitted Uses, including surface, garage- under, and structured parking (e.g., parking garages) and surface parking accessory to any permitted Uses in the Overlay District;
17. Driveways, sidewalks, parking lots, stormwater facilities, utilities, equipment and infrastructure, signage and similar ancillary improvements supporting any permitted Uses in the Overlay District; and
18. Any Accessory Use customarily incident to any of the above permitted Uses, provided that such Accessory Use shall not be injurious, noxious, or offensive to the neighborhood.

**B. Uses by Special Permit.**



Applications for special permits for Article 19 and all other necessary special permits shall be submitted and reviewed concurrently with the Development Project Plan. The following Uses may be allowed in the Overlay District by granting of a special permit pursuant to Article 8, Part 3, and §195-10.7 of the zoning bylaw, so long as each proposed development project contains at least one permitted residential Use (townhouse(s) and/or multi-family residential homes), and one or more of the following:

1. Retail sales establishments, of more than 15,000 square feet of Gross Floor Area; or grocery stores of more than 25,000 square feet of Gross Floor Area;
2. Restaurants, cafes, or other establishments serving food and/or beverages, establishments of more than 15,000 square feet of Gross Floor Area;
3. Brewery, Distillery, and/or Winery, of more than 15,000 square feet of Gross Floor Area;
4. Assisted living units and facilities, independent elderly housing, congregate housing, nursing and convalescent homes; continuing care retirement center;
5. Hotel, Boutique Inn, including customary accessory uses associated with hotel use such as spa, restaurant, conference room, banquet facilities;
6. Halls, clubs, theaters, or other places of indoor amusement or assembly, including but not limited to arenas, theaters, indoor ice skating facility, and indoor recreation, fitness, and health care facility. Adult uses shall be expressly prohibited; including but not limited to: Adult Bookstore, Adult Cabaret, Adult Motion-Picture Theater, Adult Paraphernalia Store, Adult Use, Adult Video Store;
7. Retail Plaza not to exceed 150,000 square feet of Gross Floor Area, where any single user cannot exceed 65, square feet of gross floor area;
8. Technical office for research and development, including laboratory and research facilities;
9. Private school for profit;



10. Incubator or business park;
11. Manufacturing;
12. Medical Center;
13. Commuter Rail Station;
14. Halls, clubs, theaters, or other places of indoor amusement or assembly, including but not limited to arenas, theaters, indoor ice skating facility, and indoor recreation, fitness, and health care facility, establishments of greater than 20,000 square feet of Gross Floor Area;
15. Accessory Uses and Accessory Buildings customarily incidental to the Uses above.

**§195-19.13. Other Uses.**

All other Uses are hereby expressly prohibited; except Uses which are substantially similar in character to the permitted Uses enumerated above in §§ 195-19.12, as determined by the PAA, which shall be treated as requiring a special permit to be issued by the PAA.

**§195-19.14. Provisions for Affordable Housing**

- A. Developments requiring Development Project Plan Review and Development Project Plan Approval in accordance with Article 19 are subject to Article 8 Supplementary Regulations, Part 13 Inclusionary Housing Requirement of the North Andover Zoning Bylaw, except for the requirements for granting of a special permit. Compliance with inclusionary zoning requirements will be reviewed during Development Project Plan Review.
- B. If EOHLC determines in writing that the Town has not shown the requirement for 15% of the total housing units in the development subject to the Inclusionary Housing Requirement bylaw to be economically feasible, at least 10% of the dwelling units in any Development Project, or an alternatively higher percentage that EOHLC determines to be economically feasible, shall be Affordable Housing Units compliant with Article 8 Supplementary Regulations, Part 13 Inclusionary Housing Requirement of the North Andover Zoning Bylaw, except for the requirements for granting of a special permit.



**§195-19.15. Criteria for Special Permit Approval by Plan Approval Authority.**

- A. Any Development Project component for which a special permit is required to be issued by the PAA, as Special Permit Granting Authority pursuant to MGL c. 40A, §9 shall only be issued in accordance with the requirements of this § 195-19.15.
  
- B. The PAA may grant a special permit within the framework of this Article 19 only after holding a public hearing, which must be held within 65 days after the Applicant files for such special permit. Once the application is deemed complete, the Planning Department will forward one copy of the application to the Town Clerk. An application will not be deemed complete until all required information and fees are submitted. The time periods set forth in this Zoning Bylaw and MGL c. 40A will not start until the application has been deemed complete and submitted to the Town Clerk.
  
- C. The PAA shall not approve any such application for a special permit unless it finds that in its judgment all the following conditions are met:
  - 1. The specific site is an appropriate location for such a Use, Structure or condition;
  
  - 2. The Use as developed will not adversely affect the neighborhood;
  
  - 3. There will be no nuisance or serious hazard to vehicles or pedestrians;
  
  - 4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use;
  
  - 5. With regard to a special permit, the Plan Approval Authority shall not grant any Special Permit unless it makes a specific finding that the Use is in harmony with the general purpose and intent of this Zoning Bylaw; and
  
  - 6. The Use for which the special permit is sought complies with the dimensional and other criteria described in Parts 6 through 7 of this Article 19 unless otherwise waived as provided therein.
  
- D. In approving a special permit, the Plan Approval Authority may attach conditions and safeguards only to the portion of the Development Project requiring a special





- permit as are deemed necessary to protect the neighborhood, such as, but not limited to, the following:
1. Requirements of front, side, or rear yards to the perimeter of the Overlay District greater than the minimum required by this bylaw;
  2. Requirements of front, side, or rear yards to property lot lines greater than the minimum required by this bylaw;
  3. Requirements of screening parking areas or other parts of the premises from adjoining premises outside of the Overlay District or from a public street, by walls, fences, planting, or other devices as specified by the Plan Approval Authority;
  4. Modification of the exterior features or appearances of the Structure;
  5. Limitation of size, number of occupants, method or time of operation, or extent of facilities; and
  6. Regulation of number, design and location of access drives or other traffic features if not otherwise shown on the Development Project Plan;
  7. The Special Permit Granting Authority, at its discretion, may include conditions regarding post project studies, such as parking monitoring reports, photometric studies that compare actual results verse proposed results, traffic studies to compare actual trips verse proposed trip counts, or studies to monitor other potential impacts on the surrounding area.
- E. Special permits granted under the provisions contained herein shall be deemed to have lapsed after a two-year period from the date on which the special permit was granted unless substantial use or construction has commenced (in the case of a phased Development Project, this includes the substantial use or commencement of construction any phase of the Development Project). If the Applicant can show good cause why substantial use or construction has not commenced within the two-year period, the Plan Approval Authority, at its discretion, may extend the special permit for an additional one-year period. Included within the two-year period stated above is the time required to pursue or await the determination of an appeal from the provisions of the bylaw.



- F. The Plan Approval Authority shall also apply the same dimensional, design and other criteria described in Parts 6 through 7 of this Article 19 as applied to As-of-Right Projects unless otherwise waived as provided therein.
- G. Within 90 days following the date of the close of the public hearing, the Plan Approval Authority shall take final action in the matter in order to issue a special permit provided for in this Article 19 in accordance with the provisions of MGL c. 40A.
- H. Filing of decision; appeal.
1. A special permit granted under the provisions of this bylaw shall not take effect until the Town Clerk certifies on a copy of the decision that 20 days have elapsed without filing of an appeal or that any appeal filed has been dismissed or denied, and the certified decision has been recorded at the owner's expense in the Essex County Registry of Deeds indexed in the grantor index under the name of the record owner, and noted on the owner's certificate of title; and
  2. The appeal of a special permit granted or denied hereunder shall be made in accordance with the provisions of MGL c.40A § 17.
- I. At the discretion of the PAA, an Applicant seeking approval of a Development Project including both As-of-Right Projects as well as Uses requiring a special permit may combine such applications for Development Project Plan Review and a special permit(s) into a single application, and the PAA may combine both hearings and issue a single decision on such a combined Development Project, provided that all requirements for the As-of-Right Project are complied with in accordance with this Article 19, and with respect to Uses allowed by special permit, are complied with in accordance with MGL c. 40A.

## **PART 5. Development Project Phasing.**

The PAA, as a condition of any Development Project Plan Approval, may require an Applicant to establish and comply with additional requirements beyond those set forth in the Development Project's construction management and phasing plan to mitigate any extraordinary adverse impacts from phased construction on nearby properties.

## **PART 6. General Design Guidelines**



**§195-19.16. Intent.**

In order to ensure high-quality development within the Overlay District and to ensure design that respects the built and natural character of North Andover, the following Design Guidelines are established. These Design Guidelines provide goals and standards that are intended to be flexible, and applied by the Plan Approval Authority as appropriate to a Development Project undergoing Development Project Plan Review to enable the revitalization of the purpose of this Overlay District. While these Design Guidelines apply to all site improvements including but not limited to Buildings and Structures, it is not the intent of this section to prescribe or proscribe use of materials or methods of construction regulated by the State Building Code, but rather to enhance the appearance of the built environment within the Overlay District. In the case of inconsistency between the Development Project Plan and applicable federal and state law, including without limitation the State Building Code or life safety codes and these Design Guidelines, federal and state laws shall govern. In the course of reviewing a Development Project during Development Project Plan Review, the PAA shall have discretion in the application of these Design Guidelines to the Development Project and may waive strict adherence to any of these Design Guidelines, in finding that the Development Project is consistent with the purpose and intent of this Article 19.

**§195-19.17. Building and Structure placement.**

Consideration shall be taken in the placement of Buildings and Structures in the Overlay District to:

- A. Provide for a Landscaped Buffer of Buildings and Structures to residential Districts adjacent to the Overlay District. Such buffering may include, but is not limited to: Landscaping, screening materials, natural barriers, fencing, and related measures;
- B. Dwelling Units may be situated in a single Structure or in multiple Structures.
- C. Nonresidential Uses are preferred, but not required, to be located in Buildings containing residential uses as long as the nonresidential Use and Building are designed to complement the primary residential use.
- D. For Buildings which include a mix of residential and nonresidential Uses, the Dwelling Units in such Buildings shall be situated over the allowed nonresidential space. Buildings may also be constructed which contain either solely residential uses or solely nonresidential Uses;



- E. Development Projects shall appropriately screen rooftop equipment to minimize visual impacts;
- F. Orient Buildings to any adjacent usable Open Space, with access to the Building opening onto or accessible to the usable Open Space.
- G. Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade. Species should be native, resistant to salt and drought, and be tolerant of urban conditions;
- H. Orient Structures to provide pedestrian entrances to any adjoining sidewalks;
- I. Locate trash collection and dumpster locations in appropriate locations, screened to avoid adverse impacts on neighboring properties to the Overlay District. Within a Development Project, the containment of all solid waste storage and handling within the Building(s) of the Development Project is encouraged; and
- J. Locate any loading docks or areas associated with the Development Project to minimize (visual and operational) impacts on the site and on neighboring properties to the Overlay District.

**§195-19.18. Open Space.**

- A. Create Open Space parks within the Development Project which are programmed to encourage outdoor use, with benches, street furniture and pedestrian scale lighting which is Dark Sky compliant;
- B. Enhance existing wetland values within the Overlay District, including preservation or restoration of buffer zones wherever possible;
- C. Use landscape materials that are native, sustainable, requiring minimal irrigation or fertilizer;
- D. Encourage alternative and green paving materials to minimize stormwater run-off; and



- E. Encourage the location of Open Space areas which are appropriate for outdoor use, with dense screening of Open Space areas to buffer such areas from visual and noise impact.

#### **§195-19.19. Building Massing/Articulation.**

Consideration shall be made in the design and massing of Buildings in order to:

- A. Avoid unbroken Building facades longer than 100 feet. Buildings shall not be longer than 280 feet in length, unless waived by the PAA. In approving Building lengths that exceed 280 feet, the PAA must find that pedestrian circulation is enhanced by the provision of archways, passageways, or other similar throughways;
- B. Foster integration of Uses in mixed-use Buildings where appropriate, so long as the overall project includes townhouse(s) and/or multi-family residential homes;
- C. Provide a variety of Building Heights and varied roofline articulation for Buildings and Structures within the Overlay District; and
- D. Orient Buildings on corners to the corner and public street fronts, where practical. Parking and automobile access shall be located away from the corners, where practical.

#### **§195-19.20. Building Appearance and Treatment.**

To the extent not inconsistent with or preempted by the State Building Code, the following shall be considered as applicable:

- A. Architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity, rather:
  1. Cohesion and identity should be demonstrated in similar Building scale or mass;
  2. Consistent use of facade materials; similar ground-level detailing, color or signage;
  3. Consistency in functional systems such as Roadway or pedestrian-way surfaces, signage, and Landscaping; and



4. The framing of outdoor Open Space and linkages, or a clear conveyance in the importance of various Buildings and features on the site.
- B. Preferred exterior Building siding materials include brick, stone, wood, cement and composite materials and other types of exterior siding materials upon a determination by the PAA that the quality of such siding will not detract from the aesthetics of the proposed Buildings.
- C. New Buildings. The design of new Buildings shall incorporate one or more of the following architectural features such as:
1. Transom or clerestory windows above entrances, display windows and projected bay windows are encouraged within commercial and retail developments.
  2. For upper stories (floors 2 and above), multiple-paned windows that divide large areas of glass into smaller parts shall be used.
  3. Incorporate Building entry treatments that are arched or framed and protect people from the elements.
  4. Non-reflective storefront windows and transoms; architectural detailing on the first floor; and detailing at the roofline.
  5. Ground floor: transparent, open facades for commercial Uses at street level;
  6. Middle floors: architectural features may include change in materials and color and/or texture that enhance specific elements of the Building and break up massing; and
  7. Top floors. Clearly distinguish tops of Buildings from the facade walls by including detail elements such as steep gables with overhangs, parapets and cornices.

**§195-19.21. Development Environment.**

- A. Pedestrian Open Spaces and entrances.
1. Entries for residential uses on the street (rather than from the rear of the property);



2. Landscaped space and pedestrian connectivity shall be designed and located to provide sufficient and safe access throughout the development and/or abutting residential neighborhoods. An alternative to a sidewalk, such as an asphalt path or trail, which better serves the purpose of connecting Development Project elements and the community, may also be used;
  3. Sidewalks shall be surfaced with concrete, brick, or stone materials unless waived by the PAA; minimum width shall be five feet unless waived by the PAA; and
  4. Benches for seating shall be provided near retail entrances and at bus stops. At bus stops, such benches shall offer protection from the weather.
- B. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, to minimize impacts on adjoining residential uses from traffic or late-night activity.

#### **§195-19.22. Sustainable Design**

The proposal for the build environment should reflect thoughtful consideration of a broad range of sustainability goals. Such design should be consistent with and further the goals of the Town. In determining whether the intent of this Section has been satisfied, the Planning Board shall consider the extent to which the design plan incorporates the following:

- A. Low Impact Development for Stormwater Design. Low impact development relies on natural features (indigenous to the site or bio-designed) to protect water quality and encourage on-site infiltration of stormwater. Such measures may include use of natural drainage flow paths, minimization of the creation of impervious surfaces (through building clustering, minimizing size and footprint of buildings and paved areas, use of pervious surfaces where practical).
- B. Energy Efficiency and Clean Energy Usage. Use of energy efficient appliances and HVAC systems is desired. All-electric buildings, with no fossil-fuel usage, and the use of more sustainable forms of energy production, such as geothermal and solar, are encouraged.



- C. Energy Efficient Building Design. The building envelope and components (Building framing, insulation, windows, HVAC systems) should be designed to maximize energy conservation.
- D. Building layout. The arrangement of building on the site and the accompanying infrastructure minimizes impervious surface area and minimizes contiguous open space for both residents and wildlife.
- E. Ways to Minimize Greenhouse Gas Emissions. Maintaining or proposing new vegetation to maximize carbon sequestration on site. Selection of HVAC systems and appliances to encourage use of renewable energy sources. Construction design to minimize emissions from construction vehicles.
- F. Other green building, energy efficiency, sustainability measures. The applicant may propose other measures that fit within the broad rubric of sustainable site planning, design, and construction.

**§195-19.23. Landscaping.**

The landscape design shall strive to provide greenery so that streets and access drives are lined with shade trees, large paved areas are visually divided and screened and buffers are provided within and around the Development Project. Said landscape design shall be prepared and stamped by a registered landscape architect. Landscaping criteria are as follows:

- A. Native trees and shrubs as listed by the Massachusetts Natural Heritage & Endangered Species Program Massachusetts Division of Fisheries and Wildlife.;
- B. Provide hedges or continuous shrubs to screen parking areas from streets, where practical;
- C. Landscape screening shall consist of planting, including evergreens, the plantings to be of such height, depth as needed to sufficiently screen from view of abutting residential areas any unshielded light source, either inside or outside;
- D. All Buildings shall have foundation Landscaping, where practical;
- E. All islands and landscape areas shall be of a minimum width and size to support healthy plant growth;





- F. All open areas, exclusive of areas to remain in an existing natural state, shall be landscaped, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and attractive paving materials and outdoor furniture;
- G. Deciduous trees shall be placed along new and existing streets and ways. Street trees shall be located every 30 feet on center along both sides of the Roadway within the Overlay District, or every 40 feet where trees are adjacent to parallel parking;
- H. Outdoor lighting shall be considered in the Landscaping plan and requires the submission of a photometric lighting plan. Cutoff shields shall be used to minimize glare and light spillover onto abutting property. Ornamental streetlights, 16 feet maximum height on minor roads and 24 feet maximum height on major roads;
- I. Preservation of existing vegetation or tree-lined areas shall be maintained where possible; and
- J. Landscaped, required Open Space and green areas, in addition to serving as visual amenities shall be employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions; for that reason, Department of Environmental (DEP) Stormwater best management practices and other measures to minimize runoff and improve water quality shall be implemented.

**§195-19.24. Lighting.**

- A. All lighting used to illuminate residential and commercial parking lots, loading bay or Driveway shall have underground wiring and shall be so arranged that all direct rays from such lighting falls entirely within the parking, loading or Driveway area;
- B. All outdoor lighting shall be designed so as not to adversely impact surrounding uses and residential properties, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness;
- C. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness;



- D. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce direct light spillover beyond the Overlay District boundaries except for purposes of public safety, and shall be directed toward the object or area to be illuminated. Light shall be directed away from residences;
- E. Lighting of the Overlay District shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. The glare from the installation of outdoor lights and illuminated signs shall be contained on the property and shall be shielded from abutting properties, except as may be necessary for public safety purposes;
- F. Lighting in display windows to illuminate the sidewalk is recommended;
- G. Architectural lighting to complement the architecture of the Structure, including transparent windows allowing views into and out of the Structure;
- H. Fixtures that produce glare or that spill light to adjoining sites are prohibited; and
- I. Installation of pedestrian light fixtures as part of a Development Project's sidewalk improvements is strongly encouraged.

**§195-19.25. Parking Lot Landscaping.**

- A. Parking areas and lots shall use Landscaping and terracing to break up large areas of pavement. The following minimum screening and Landscaping requirements shall apply for all lots with more than six parking spaces where the edge of the lot abuts a property adjacent to the Overlay District:
  - 1. A strip of land at least six feet wide (may be part of required yard setbacks) with trees or shrubs densely planted, to create at least an impervious screen, at least four feet high at the time of planting and which are of a type that may be commonly expected to form a year-round impervious screen at least five feet high within three years;
  - 2. If a natural screen as described in Subsection A(1) above cannot be attained, consideration shall be given to installing a wall or fence of uniform appearance at least five feet high above finished grade. Such a wall and/or fence may be perforated, provided that not more than 25% of the face is open; and



3. All required screening, as described in Subsection A(1) and (2) above, shall be maintained in good condition at all times. Such screening may be interrupted by entrances or exits, and shall have no signs attached thereto other than those permitted in the Overlay District.
- B. For all off-street parking areas of 18 or more spaces the following criteria shall also apply:
1. On at least three sides of the perimeter of an outdoor parking lot, there shall be planted at least one tree for every 30 linear feet. In the interior part of an outdoor parking lot where two rows of parking spaces containing a total of twelve or more parking spaces face each other, a landscaped Open Space not less than six feet in width shall be provided. The landscaped strip may be provided either:
    - a. Between the rows of parking spaces parallel to the aisle; or
    - b. In two or more strips parallel to the spaces and extending from the aisle serving one row of spaces to the aisle serving the other row of spaces; and
  2. Trees required by this subsection shall be at least 2.5 inches in diameter at a height four feet above the ground at time of planting and shall be of a species characterized by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy this section. Native trees and shrubs as described by the Massachusetts Natural Heritage & Endangered Species Program Massachusetts Division of Fisheries and Wildlife shall be planted wherever possible.

#### **§195-19.26. Pedestrian Amenities and Recreation.**

Development shall include the following components:

- A. A Development Project Plan should maximize pedestrian transit-oriented development. Specifically, they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts as alternatives to travel along high-volume streets within the Overlay District; provide long-term, covered bicycle parking areas; incorporate transit-oriented design features; and establish travel demand management programs at employment centers;
- B. Pedestrian-oriented features such as walkways, pergolas, outdoor sitting plazas, landscaped Open Space, drop-off areas, and recreational facilities shall be



encouraged in the development of the Development Project Plan, and bike racks shall be provided in appropriate locations throughout the Overlay District; and

- C. Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways shall link together areas designated as Open Space within the Overlay District, and wherever possible, to adjoining public areas.

**§195-19.27. Signage Associated with Residential Uses.**

- A. Signs for the residential components of the Development Project Plan shall be limited to three types of signs: name of residential project, orientation and direction, and identification of common Building spaces. At each principal entrance to the residential Development Project, only one sign identifying only the name and address of the Development Project shall be permitted. Signs shall be made of natural materials, or have a natural appearance, and may not be interiorly illuminated. The PAA shall require the Applicant to submit a signage master plan showing the overall design, location, size and material for all proposed signs within the Development Project.
- B. The following signs are prohibited in the Overlay District: roof signs, interiorly illuminated and ground signs (except those associated with the Development Project entrance).

**§195-19.28. Signage Associated with Nonresidential and Mixed-Uses.**

The PAA shall approve signage within the Mixed-Use Development components of the Overlay District as part of the Development Project Plan Review process. One sign will be permitted at the principal entrance(s) to a nonresidential portion of the Development Project. The sign shall be limited to identifying the name and address of the Development Project.

- A. One sign per nonresidential Use is permitted. The attached or hanging sign shall not exceed, in total area, more than 10% of the dimensional elevation of the commercial Building as determined by the Building frontage multiplied by the floor-to-ceiling height of the individual business or as specified in applicable sections of the Zoning Bylaw;
- B. For premises having multiple occupants, a single sign identifying those occupants is permitted. The total area of attached signs, including this one, shall not exceed 10% of wall area;



- C. Temporary unlighted signs inside windows, occupying not more than 20% of the area of the window, requires no sign permit;
- D. Building directories shall be located inside of the Building;
- E. Traffic control orientation and guidance signs located on private property, up to four square feet in area, displayed for purposes of direction or convenience, including signs identifying parking, fire lanes, rest rooms, freight entrances and the like;
- F. Design standards for signs:
  - 1. These standards are not mandatory.
  - 2. Sign content normally should not occupy more than 40% of the sign background, whether a signboard or a Building element.
- G. Environmental relationship.
  - 1. Overhanging signs should be used only in such circumstances as on side streets where overhanging positioning is necessary for visibility from a major street;
  - 2. Sign brightness should not be excessive in relation to background lighting levels, e.g., averaging not in excess of 100 foot-lamberts and not in excess of 20 foot-lamberts in unlighted outlying areas.
- H. Building relationship.

Signs should be sized and located so as to not interrupt, obscure or hide the continuity of columns, cornices, roof eaves, sill lines or other elements of Building structure. Clutter should be avoided by not using support brackets extending above the sign or guy wires and turnbuckles.
- I. Sign master plans. Notwithstanding anything to the contrary to the language contained in §§ 195-19.27 and 195-19.28, an Applicant may, in lieu of seeking compliance with the sign provisions described, propose a master signage plan to



be permitted within the Overlay District by the PAA. All new signage in the Overlay District shall be in compliance with such master signage plan approved by the PAA. At its option, the Applicant shall submit, as part of its initial Development Project Plan Review filing, a master signage plan for approval by the Planning Board establishing allowances, requirements, and limitations for all new signage within the Overlay District. The master signage plan, as may be updated and revised with the approval of the Planning Board, shall, with respect to both existing and future signs, specify all applicable sign types, dimensions, locations, materials, quantities and other as may be requested by the PAA in the course of Development Project Plan Review to confirm that the master signage plan, once implemented, consists of a single coordinated and clear plan for signage within the Overlay District which generally conforms to the guidelines described in §§195-19.27 and 195-19.28 as applicable. Upon approval by the Planning Board, the master signage plan shall become the sole governing source of standards and requirements for all new signage within the Overlay District under this bylaw. Sign permits for any sign meeting these established standards may be issued by the Building Inspector upon approval of the master signage plan by the Planning Board.

**§195-19.29. Roadways**

Private Roadways shall be allowed in the Overlay District.

- A. While Roadway surface widths may be narrower than widths associated with a traditional subdivision, the durability of private Roadway surfaces and sub surfaces within the Overlay District should be designed based on standard engineering principles. Waivers of the following standards may be granted when appropriate. The following criteria apply:

Roadway Criterion	Minimum	Maximum
Minimum ROW width (feet)	50	60
Minimum pavement width (feet)	18	26
Minimum center line curve radius (feet)	225	250
Minimum tangent length between reverse curves (feet)	150	150
Minimum intersection corner curb radius (feet)	40	40



Roadway Criterion	Minimum	Maximum
Minimum horizontal and vertical site distance (feet)	200	250
Center line profile grade – maximum	8%	7%
Center line profile grade – minimum	1%	1%
Vertical curve - minimum length (feet)	100	100
Vertical curve: K value – crest	30	30
Vertical curve: K value - sag 40	40	40
Pavement cross slope - normal crown	3%	3%
Maximum superelevation	6%	6%

B. The PAA shall encourage narrow pavement widths for traveled ways when appropriate. Pavement widths for traveled ways (excluding on-street parking spaces) shall not be less than 18 feet or more than 26 feet for two-way traffic, or less than 14 feet for one-way traffic. The PAA will have discretion to waive these standards when considering public safety and circulation issues, but under no circumstance shall vehicular ways be less than 14 feet wide.

C. Parking and vehicle access:

1. Provide for continuous sidewalks that are minimally broken within a block by vehicular access.
2. Unstructured surface parking areas facing Route 114/125 frontages are discouraged.
3. Parking areas shall be set back from Structures, property lines and internal ways by a minimum of 10 feet.
4. Multipurpose parking areas paved with unit pavers are encouraged (i.e., areas that serve both parking and public Open Space needs).



- D. On cul-de-sac turnarounds and at intersections, vertical granite curbing shall be required. Vertical granite curb inlets with curb transition sections shall be required at the back of catch basins, on grades over 6%, and at the intersections with arterial streets.
- E. All two-way traveled ways shall provide a pedestrian sidewalk of a minimum six-foot width on both sides of the Roadway. All sidewalks shall be of standard concrete or brick set in concrete and are encouraged where applicable. Minor ways may provide a pedestrian sidewalk on a minimum of one side of the Roadway. On cul-de-sac turnarounds and at intersections, vertical granite curbing shall be required. Vertical granite curb inlets with curb transition sections shall be required at the back of catch basins, on grades over 6%, and at the intersections with arterial streets.
- F. Crosswalks with handicap-accessible curb cuts shall be provided at all intersections. All crosswalks and curb cuts shall comply with applicable requirements of the Massachusetts Architectural Access Board (MAAB) and/or Americans with Disabilities Act (ADA) requirements.
- G. Streetscape elements shall be encouraged, including:
1. Sidewalks and crosswalks as noted above;
  2. Ornamental streetlights, 16 feet maximum height on minor roads, 24 feet maximum height on major roads;
  3. Brick, concrete or other specialty pavements at Building entrances;
  4. Ornamental fences of less than 30 inches in height, when appropriate;
  5. Ornamental bollards to direct pedestrian traffic and define public space.

**§195-19.30. Storm drainage.**

- A. Stormwater drainage systems shall be subject to the most recent Massachusetts laws, regulations, polices and guidelines, including but not limited to the DEP Stormwater Management Policy, as amended, the EPA Municipal Separate Storm Sewer System (MS4) minimum control measures, as well as local bylaws.





- B. The design should incorporate design features within a comprehensive stormwater management plan to minimize stormwater runoff.
- C. The design, construction and maintenance of stormwater systems shall be consistent with the following:
1. Detention/Retention basin side slopes. Basin area side slopes shall be kept as close as possible to natural land contours; i.e., 10% or less wherever possible. A maximum 3:1 side slope shall be constructed for the interior of the basin areas. For security purposes, fencing may be required by the PAA. Drainage basins shall be designed to facilitate access for maintenance vehicles and personnel;
  2. Drainage easements. If it is necessary to carry drainage across lots within the Development Project, storm drainage easements may be provided, of such width and construction as will be adequate to accommodate the volume and velocity of the run-off. However, no such easement, if granted shall be less than 30 feet in width. If a proposed drainage system would carry water across land outside the Development Project boundaries to an approved outfall, appropriate drainage rights shall be secured by the Applicant at the Applicant's expense, and shall be referenced on the Development Project Plan;
  3. Discharging runoff directly into rivers, streams, watercourses, or enlarging the volume, rate or further degrading the quality of existing discharges/runoff is prohibited;
  4. Retention and detention ponds, and methods of overland flow may be used to retain, detain and treat the increased and accelerated runoff which the Development Project generates;
  5. Water shall be released from detention ponds at a rate and in a manner approximating the existing conditions which would have occurred before the creation of the Overlay District;
  6. Intermittent watercourses such as swales shall be vegetated;
  7. The first one inch of runoff from impervious surfaces, such as rooftops and paved surfaces, shall be treated in the site of the Development Project, which



treatment shall be more fully detailed during the stormwater peer review process of Development Project Plan Review;

8. Runoff from parking lots and streets shall be treated to remove oil and sediments. Catch basins shall be provided with hoods; in the alternative, drainage outfalls shall discharge to low-velocity "vegetated treatment" swales;
9. The use of drainage facilities and vegetated buffer zones as Open Space and conservation areas shall be encouraged; and
10. Neighboring properties shall not be affected by flooding from excessive runoff.

#### **§195-19.31. Water Facilities.**

- A. Installation. The Applicant shall be responsible for installing water facilities, including, but not limited to, water supply, pipes, hydrants, hydrant markers, gates, valves, and all other related appurtenances, in accordance with the regulations and master plan of the Water Department. Any extension of an existing pipe and construction of new pipes requires approval from the Water Department. Building service pipes and appurtenances from the system piping to the exterior line of the street right-of-way shall be constructed for each lot unless the Board of Health has approved individual wells. Said water facilities shall be shown on plans for each Development Project.
- B. Fire hydrants. Fire hydrants shall be required throughout the entire Development. Fire hydrants, with hydrant markers, shall be located not more than 500 feet apart, and within 100 feet of any building fire department connection (FDC); shall be approved, in writing, as to location by the Fire Chief and the DPW; and shall be shown on plans for each Development Project.
- C. Extensions. Reasonable provisions shall be made for extension of the water system and pipes to adjoining property, including installation of water gates. Appropriate easements may be required by the PAA as a condition of Development Project Plan Approval for a Development Project.

#### **§195-19.32. Sewers.**

- A. Installation. The Applicant shall be responsible for connecting all lots to the public sewerage system unless there are legal, design or operational



considerations, in which case alternative arrangements for sewage disposal, such as through the existing on-site sewage treatment plant or other methods permitted by law, may be utilized. If applicable, connection to the system shall require an approval from the DPW, and any other required approvals, including, but not limited to approvals issued by the Greater Lawrence Sanitary District, and, if applicable, a permit for extension/connection of the sewer system issued by the Massachusetts Department of Environmental Protection's Division of Water Pollution Control.

**§195-19.33. Electric and communication lines.**

- A. Installation. All electrical and communications lines shall be installed underground. Communications lines shall include, but not be limited to, telephone and community antenna television cable.
- B. Electric lines. The electrical power distribution shall be installed in accordance with the specifications of the Rules and Regulations of the Department of Public Works of the Town of North Andover in effect at the time of application.

**§195-19.34. Street Signs.**

Street signs shall be installed at all intersections in conformity with the specifications of the Department of Public Works. The signposts at the intersection of each street with any other street shall have affixed thereto a sign designating such street as a private way.

**§195-19.35. Monuments.**

Monuments shall be four feet long, six-inch square concrete or granite, and shall be installed at all Roadway intersections, at all points of change in direction or at curvature of Roadways, at two property corners of all new lots and at any other points where, in the opinion of the Board, permanent monuments are necessary.

- A. Monument spacing. Monuments located in the street right-of-way shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street right-of-way limits. The maximum interval shall be 1,000 feet;
- B. Monument materials. Monuments shall be standard granite markers of not less than four feet in length and not less than five inches square, and shall have a drill hole in the center. If subsoil conditions prohibit installation of four-foot monuments, with advance approval by the Board, monuments meeting alternative



specifications shall be installed. Monuments shall be set flush with the finished grade; and

- C. Monument certification. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed. Placement and location of bounds are to be certified by a registered professional land surveyor after installation of the street, and shall be shown on the "as-built" or record plans.

**§ 195-19.36. Parking Requirements.**

Parking provided in the Overlay District, including structured parking, shall comply with these provisions and shall not be subject to any other provisions of the Zoning Bylaw. Regardless of these requirements, parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act.

- A. **Required parking.** Parking shall be provided for Uses according to Table 1, Required Parking, below, and shall be calculated for compliance purposes based on Uses reflected on the Development Project Plan. When application of the requirements set forth below results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

<b>Table 1 - Required Parking</b>	
<b>Use</b>	<b>Minimum Parking Required</b>
Multifamily Dwelling	1.75 per unit
Townhouse	1.75 spaces per unit
Restaurant, sit down (including Brewery, Distillery, and Winery)	1 per 4 seats, plus 1 for every employee on the largest shift
Restaurant, limited service	1 per 200 square feet of net floor area



Restaurant, drive-through	1 per 70 square feet of net floor area
Retail and Personal Service, Artist's Studio, Gallery, Cultural Center or Museum,	5 spaces per 1,000 gross square feet
Day-Care Center	.35 per person (licensed capacity)
Indoor Recreation, fitness,	2 per player or 1 per 3 persons permitted capacity
Halls, clubs, theaters, or other places of indoor amusement or assembly, including but not limited to arenas, health care facility.	.35 per persons permitted capacity
Religious Uses	.6 per seat
Assisted Living, Nursing and Convalescent, CCRC, Independent Elderly Housing, Congregate Housing,	0.6 spaces per unit
Professional Offices, Business Offices, and Research and Development Facility	2.5 spaces per 1,000 gross square feet
Public Building or Use	5 dedicated spaces
Recreational Use: Passive (i.e. parks, picnic facilities)	5 dedicated spaces
Recreational Use: Active (i.e., athletic fields)	1 space per 4 persons based on the design capacity of the facility



- B. **On-street parking offset.** Parking spaces within the Roadways and drive aisles within the Overlay District may be counted toward the minimum parking required pursuant to this section.
- C. **Charging stations for electric, hybrid, or similar types of vehicles.** Charging stations for electric, hybrid, or similar types of vehicles may be required, as appropriate, by the Building Code and/or the PAA as part of the Environmental Strategies program to be included in any application for Development Project Plan Approval.
- D. **Bicycle parking.** Bicycle parking may be required, as appropriate, by the PAA as part of the Environmental Strategies program to be included in any application for Development Project Plan Approval and shall also be addressed in the traffic management plan.
- E. **Parking design and construction standards.** The design and construction standards for parking shall be approved by the Planning Board in conjunction with the Development Project Plan Approval of a Development Project; such design and construction standards shall address the dimensions for parking spaces, Drive Lanes, Driveways, and landscape islands, and materials and specifications for paving, curbing, lighting, and Landscaping. Notwithstanding the foregoing, unless otherwise waived by the PAA, the minimum parking dimensions shall be:
1. For head-in parking spaces: a minimum of 9 feet by 18 feet, with 24-foot drive aisles;
  2. For parallel end spaces: 8 feet by 22 feet; and
  3. For parallel intermediate spaces: 8 feet by 20 feet.
- F. **Modification in parking requirements.** Notwithstanding anything to the contrary herein, any minimum required or maximum permitted amount of parking may be modified by the Planning Board through the Development Project Plan Review process, if the Applicant can demonstrate that the modified amount of parking will not cause excessive congestion, endanger public safety, or that a modified amount of parking will provide positive environmental or other benefits, taking into consideration:
1. The availability of public or commercial parking facilities in the vicinity of the use being served;



2. Shared use of parking spaces serving other Uses having peak user demands at different times;
3. Age or other occupancy restrictions which are likely to resulting a lower level of auto usage; and
4. Such other factors, including the availability of valet parking, shuttle service, or a transportation management plan as may be considered by the Planning Board. Where such reduction is authorized, the Planning Board may impose conditions of Use or occupancy appropriate to such reductions.

## **PART 7. Dimensional and Density Requirements**

### **§195-19.36. Dimensional requirements.**

Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the Overlay District, including all pre-existing Buildings in the Overlay District that have not been demolished, are as follows:

A. Overlay-District-wide aggregate density requirements.

Development Projects shall comply with the following requirements as applicable to a Development Project Plan for the Overlay District:

1. Maximum coverage, including buildings, driveways, and parking areas within the Overlay District: 70 % of total lot size.
2. Minimum lot size: 0.
3. Maximum building height: Subdistrict 1, North Andover Mall: 3 stories/35 feet. If 1<sup>st</sup> floor is a commercial use or parking garage: 4 stories/55 feet.
4. Maximum building height: Subdistrict 2: 4 stories/55 feet.
5. Maximum building coverage in the Overlay District: 30%.
6. Minimum Open Space requirements in the Overlay District: 30% of total lot size.
7. Floor area ratio in the Overlay District: 0.70.
8. Maximum dwelling units per acre: 15\*. Up to a maximum of 17 dwelling units per acre by special permit if the Development Project includes a Mixed-Use Development.
9. Rear setback: 30 feet\*\*, Side setback: 25 feet\*\*, Front setback: 30 feet\*\*\*



\*A calculation of units per acre that results in the fractional or decimal equivalent of one-half (.50) or above shall be increased to the next highest whole number.

\*\* additional 15 feet for side or rear setback required adjacent to residential districts (must be open space)

\*\*\* The first 25' of front setback under this requirement shall be made to provide an effective visual buffer and no parking shall be permitted. This Multi-Family Overlay District shall be exempt from Footnote 1 on Table 2: Summary of Dimensional Requirements

Table 2: Summary of Dimensional Requirements will be amended upon passage of this Article 19 at Town Meeting as if independently voted upon.

## **PART 8. Application for Development Project Plan Review**

### **§195-19.37. Development Project Plan Review Process.**

The Development Project Plan Review process for an application for approval of a Development Project Plan under this article shall be governed by the following review procedures:

#### **A. Pre-application Conference.**

1. Prior to the submission of a Development Project Plan, the Applicant, at its option, may confer with the Planning Board and Town planning staff to obtain information and guidance before beginning the formal application process.
  - i. Overall Building envelope areas;
  - ii. Approximate Building massing, showing heights;
  - iii. Open Space and natural resource areas; and
  - iv. General site improvements, groupings of Buildings, and proposed land uses.

- #### **B. Submission and Approval of a Development Project Plan.**
- The Applicant shall file a Development Project Plan accompanied by an application for Development Project Plan Review and application for special permit(s), if applicable, to the PAA for issuance of a Development Project Plan Approval prior to an application for a building permit. Review of a Development Project Plan shall follow the procedures of Subsection F and the PAA Rules and Regulations that the Planning Board may adopt to govern Development Project Plan Review. An application for





Development Project Plan Review shall include the following components unless waived by the Planning Board:

1. An Applicant for Development Project Plan Review shall file with the Planning Department an application form, fee, the Development Project Plan, an application for special permit(s), if applicable, and any additional information as may be required as described herein or as provided in PAA Rules and Regulations and/or instructions of the Planning Board. Once the application is deemed complete, the Planning Department will forward one copy of the application to the Town Clerk. An application will not be deemed complete until all required information and fees are submitted. The time periods set forth in this Zoning Bylaw will not start until the application has been deemed complete and submitted to the Town Clerk.
2. Drawings prepared at a scale of one-inch equals 40 feet or larger, or at a scale as approved in advance by the Town Planner. Revised plans shall contain a notation listing and describing all revisions, additions, and deletions made to the originally submitted plans and the date of each.
3. The application for Development Project Plan Review shall be accompanied by such plans and documents as may be required and set forth in the PAA Rules and Regulations. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All Building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All stormwater management plans and drainage calculations must be submitted with the stamp and signature of a professional engineer (PE) licensed to conduct such work in the Commonwealth of Massachusetts.
4. The following information must be submitted along with the application:
  - a. North arrow/location map. A North arrow and a location map showing surrounding Roadways and land uses adjacent to the site at a scale of one-inch equals 1,500 feet. The location map should show at least one intersection of two existing Town Roadways.
  - b. Survey of lot/parcel. A boundary survey conforming to the requirements of the Essex County Registry of Deeds Office. The survey shall be dated



and include any revision made to the survey or site plan. Any change in the survey shall be recorded before site plan approval may be granted.

- c. Name/Description of Development Project. The name of the development and the names, addresses and telephone numbers of the project listing tenants (if known), land uses, development phases, or other pertinent information necessary to evaluate the Development Project Plan.
- d. A narrative describing how the proposed Building(s), anticipated land uses, site design, parking, circulation, Landscaping and other features conform to and the purpose of this article.
- e. Easements/Legal conditions within the Development Project lot(s) and abutting thereon. Identification of existing and proposed easement(s) or legal encumbrances that are related to the site's physical development, and a listing of any condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation Commission, or any public body or agency with the authority to place conditions on the site's development.
- f. Development Project lot number(s), dimensions of Development Project lot(s) in feet, size of Development Project lot(s) in square feet, and width of abutting streets and ways.
- g. Topography. The present and proposed topography of the site, utilizing two-foot contour intervals. Existing topography 50 feet beyond the perimeter of the parcel as it appears on the most current Town of North Andover topographic mapping shall also be shown.
- h. Zoning information. All applicable Overlay District zoning information shall be provided regarding the Development Project. This information shall be placed in a table and list all parking, setbacks, percent of Lot Coverage, Floor Area Ratio, number of Dwelling Units (if any), units/acre, total amount of square feet, size of signs and any other applicable zoning information relative to the Development Project Plan and Overlay District necessary for the proper review of the Development Project Plan by the Town Planner and PAA.



- i. Drainage area map. A drainage area map showing pre- and post-construction watersheds, subwatersheds and stormwater flow paths, including municipal drainage system flows.
- j. Stormwater management plan. All applications for Development Project Plan Review shall include the submittal of a stormwater management plan prepared in accordance with the latest version of the Massachusetts Stormwater Handbook and additional criteria established herein and demonstrating full compliance with the Massachusetts Stormwater Standards and the North Andover Stormwater Management and Erosion Control Regulations promulgated under Chapter 165 of the Town Bylaws (Stormwater Management and Erosion Control Bylaw).
- k. Building location. Identification of all existing and proposed structures located on the Development Project site. The number of stories, overall height in feet and gross floor area in square feet of all structures shall be indicated.
- l. Building elevation. A drawing of the exterior of the Building(s), as viewed from the front (street view), must be submitted. The PAA may request side and rear views if relevant to the PAA's review. This drawing must be at least eight inches by 11 inches in size.
- m. Average finished grade of each proposed Building.
- n. The elevation above average finished grade of the floor and ceiling of the lowest floor of each proposed Building.
- o. Height of all proposed Buildings, above average finished grade.
- p. Height of all proposed Buildings, above average finished grade of abutting streets.
- q. Location of parking/walkways. Identification of the location of all existing and proposed parking and walkway areas, including curb cuts that will be used to access the site from adjacent Roadways, or access points.
- r. Location of wetlands; notice of intent. All resource areas as defined in MGL c. 131, §40, and/or the Town of North Andover Wetland Protection



Bylaw (Chapter 190), shall be shown on the site plan. If applicable, the Applicant shall file a notice of intent with North Andover Conservation Commission concurrently with the application to the Planning Board for Development Project Plan Review.

- s. Location of walls/signs. Identification of the location, height and materials to be used for all retaining walls and signs located on the site.
- t. Location of Roadways/Drive Lanes. Identification of all rights-of-way and Driveways, including the type of curb and gutter to be used, and their dimensions. Distances to all the nearest Roadways and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.
- u. Outdoor storage/display areas. Identification of the location and type of outdoor storage and display areas on the site.
- v. Landscaping plan. The general outline of existing vegetation, wooded areas, significant trees, unique species and/or tree clusters and the extent of all vegetation, wooded areas, significant mature trees (>12 inches DBH), unique species and/or tree clusters to be removed and identification of the location and landscape schedule of all perimeter and interior Landscaping, including but not limited to proposed paving materials for walkways, fences, stone walls and all planting materials to be placed on the site. Any Landscaping required by the Town bylaws shall be indicated on the site plan in tabular form showing the amount required and the amount provided.
- w. Refuse areas. Identification of the location of each outdoor refuse storage area, including the method of storage and screening. All refuse areas must be fully enclosed.
- x. Lighting facilities. Identification of the proposed illumination, indicating the direction and the degree of illumination offered by the proposed lighting facilities, including an example of the light fixture to be used.
- y. Traffic impact study. Identification of existing traffic levels, along with the expected traffic impacts to occur based upon the proposed project. For projects which access state highways, a traffic impact study shall be filed



with MEPA concurrently with the Planning Board review. A copy of the MEPA study shall be filed with the application to the Planning Board.

- z. Commonwealth review. Any information required and submitted to any agency of the commonwealth shall be filed with the Planning Board upon the initial submission of the project for Board review.
  - aa. Utilities. All utilities, including water line locations, sewer line locations and profiles, and storm drainage systems.
  - bb. Environmental strategies. A narrative describing the environmental strategies being pursued for the Development Project to improve sustainability and to enhance protection of the adjacent natural resources relative to the proposed Building(s), anticipated land use(s), and site design. These strategies shall specifically include measures to limit emissions from both stationary sources (e.g., building design measures) and mobile sources (e.g., pedestrian and bicycle accommodations to promote alternate methods of transit).
  - cc. Fiscal impact. Projections of costs rising from increased demand for public services and infrastructure; provisions of benefits from increased tax revenues, employment and infrastructure improvements; and impacts on adjacent property values.
  - dd. Community impact. Analysis of the project's impact on the surrounding neighborhood in terms of architectural consistency, pedestrian movement and overall character; impacts on nearby historic structures or site; and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans.
- C. **Phasing.** In the course of the phased development of an approved Development Project Plan, the Applicant may divide the proposed development reflected in the Development Project Plan into separate project components which may be reviewed either through a single combined Development Project Plan Review, or through a series of separate Development Project Plan Reviews that address the applicable proposed area(s) of work within the Overlay District. In no event shall a Development Project proceed with a non-residential development prior to completing an allowable residential development (Townhouse Residential Use and/or Multi-Family Residential Use);



- D. **Peer review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of any required elements of the Development Project Plan Review application as may be required by the PAA. Such fees shall be held by the Town 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, Town Counsel, 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.
- E. **Circulation to Other Boards.** Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, School Department, and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 30 days of its receipt of a copy of the Development Project Plan Review application.
- F. **Procedures.**
1. **Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in MGL c. 40A, §11. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 90 days of the close of the public hearing. 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 Town Clerk. If the PAA does not take action within 90 days or extended time, if applicable, the project proponent shall provide written notice to the PAA requesting final action within fourteen days, if no decision is issued, the failure shall be deemed to be an approval of the application and Development Project Plan and shall constitute the Development Project Plan Approval.
  2. The approved Development Project Plan (Development Project Plan Approval) becomes the official development plan for a Development Project for which Development Project Plan Review application is filed. Town permits shall be issued or withheld based upon compliance with the approved Development Project Plan. The Development Project Plan Approval is legally binding and can only be changed or adjusted in compliance with the



provisions contained in §195-19.42, Revisions to approved Development Project Plan.

3. Appeal. Where a Development Project Plan Approval is issued or denied relative to a Development Project for which a building permit will be required, there shall be no appeal under MGL c.40A § 17; rather, the only appeal shall be an appeal of the building permit issued or denied. The appeal of a special permit granted or denied hereunder shall be made in accordance with the provisions of MGL c. 40A § 17.

### **PART 9. Decision on Application.**

**§195-19.38. Waivers.** As set forth in §195-19.16, in the course of reviewing a Development Project during Development Project Plan Review, the PAA shall have discretion in the application of the General Design Guidelines of Part 6 to the Development Project and may waive strict adherence to any of these Design Guidelines, in finding that the Development Project is consistent with the purpose and intent of this Article 19.

**§195-19.39. Plan Review.** An application for Development Project Plan Review shall be reviewed for consistency with the purpose and intent of the Article 19, and such plan review and shall be construed as an as-of-right review and approval process for by-right uses and shall be construed by special permit approval process for uses allow by special permit.

### **§195-19.40. Findings and Action by Planning Board.**

- A. Upon completion of Development Project Plan Review, the PAA shall either
  - 1) approve, 2) approve with conditions, or 3) deny a Development Project Plan submitted for review.
1. The Planning Board shall approve a Development Project Plan when the following conditions are met:
  - a. The Development Project Plan is consistent with the purpose and intent of this Article 19; and
  - b. The Applicant has submitted the required fees and information as set forth in the Rules and Regulation; and
  - c. The Development Project Plan has been submitted in accordance with the procedures as outlined in this Article 19 and the Planning Board Rules and Regulations; and



- d. The Development Project and Development Project Plan meet the requirements and standards set forth in this Article 19, or a waiver has been granted therefrom.
2. The Planning Board shall conditionally approve a Development Project Plan when the following conditions are met:
    - a. The application needs to go to any Town board, department or commission for approvals, or requires approvals by any state, and/or federal agency; and
    - b. The Development Project Plan generally complies with this Article 19, but requires minor changes in order to be completely in compliance with this Article 19.
  3. The PAA may deny approval of a Development Project Plan for the following reasons:
    - a. The Development Project Plan does not include all the materials or information required in this Article 19, or has failed to adhere to the procedures for Development Project Plan Review as outlined in this Article 19; or
    - b. The Applicant has not submitted the required fees and information as set forth in the PAA Rules and Regulations; or
    - c. The Development Project Plan as presented is not in compliance with applicable Town bylaws, and a waiver has not been granted therefrom; or
    - d. The Development Project Plan has been drawn incorrectly or in such form that the Planning Board is unable to determine what information is being presented for review; or
    - e. The Applicant has failed to incorporate and adhere to any condition(s) for approval granted by any Town board, department or commission, or requirements called for by any state or federal agency which has proper authority upon which to place conditions on a matter before the PAA.
- B. The PAA shall render a decision within 90 days of the close of the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of MGL c. 40A.





- C. 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 Town Clerk and that all plans referred to in the decision are on file with the PAA. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application or notice. 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.
- D. The Applicant shall be responsible for filing a copy of the decision at 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. Prior to the issuance of a building permit, the Applicant shall present evidence of such recording to the Building Commissioner and Planning Department.
- E. For the purpose of securing the performance of all proposed work, including Landscaping and off-site improvements, the PAA may require security submitted in the form of a check made out to the Town of North Andover in an amount determined by the Board to be sufficient to cover the cost of all or any part to stabilize or secure the site. The check will then be placed in an interest-bearing account and will be released upon the completion of the Development Project. The PAA, at its discretion, may release partial amounts of the security at certain stages of construction.
- §195-19.41. Time limit.** A Development Project Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal attributable to the Development Project. Said time shall also be automatically extended if the Applicant is actively pursuing other required permits for the Development Project or if the PAA finds there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.



## **PART 10. Revisions to Development Project Plan.**

### **§195-19.42 Revisions to Development Project Plan.**

1. Procedure. After a Development Project Plan is approved, an Applicant may apply to the Planning Board to make revisions to a Development Project Plan. Such revisions must be submitted to the Town Planner and Planning Board clearly showing the proposed revisions to the approved Development Project Plan, and on application forms provided by the Planning Board. The Planning Board shall set forth any decision to approve or deny such revisions by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.
2. If the revisions are determined by the Planning Board to (i) not adversely affect the Overlay District or neighboring properties, (ii) not cause either a significant increase in vehicular movement or alteration in pedestrian circulation routes and (iii) be otherwise consistent with the purposes and intent of the Development Project Plan and this Article 19 (examples may include but not be limited to: revisions involving utilities, Building orientation adjustments, or minor adjustments to parking or other site details that do not materially affect the overall build out or development envelope), the Planning Board may authorize such revisions at any regularly scheduled meeting, without the need to hold a public hearing.
3. If the revisions are determined by the Planning Board to (i) have a potential adverse effect on the Overlay District or neighboring properties, or (ii) cause either a significant increase in vehicular movement or alteration in pedestrian circulation routes , but (iii) are otherwise consistent with the purposes and intent of the Development Project Plan Approval and this Article 19 (examples may include but are not limited to: revisions to Building locations, heights, massing, or Use otherwise allowed pursuant to this Article 19), the Planning Board may authorize such revisions at any regularly scheduled meeting after holding a public hearing.

## **PART 11. Severability and Authority.**



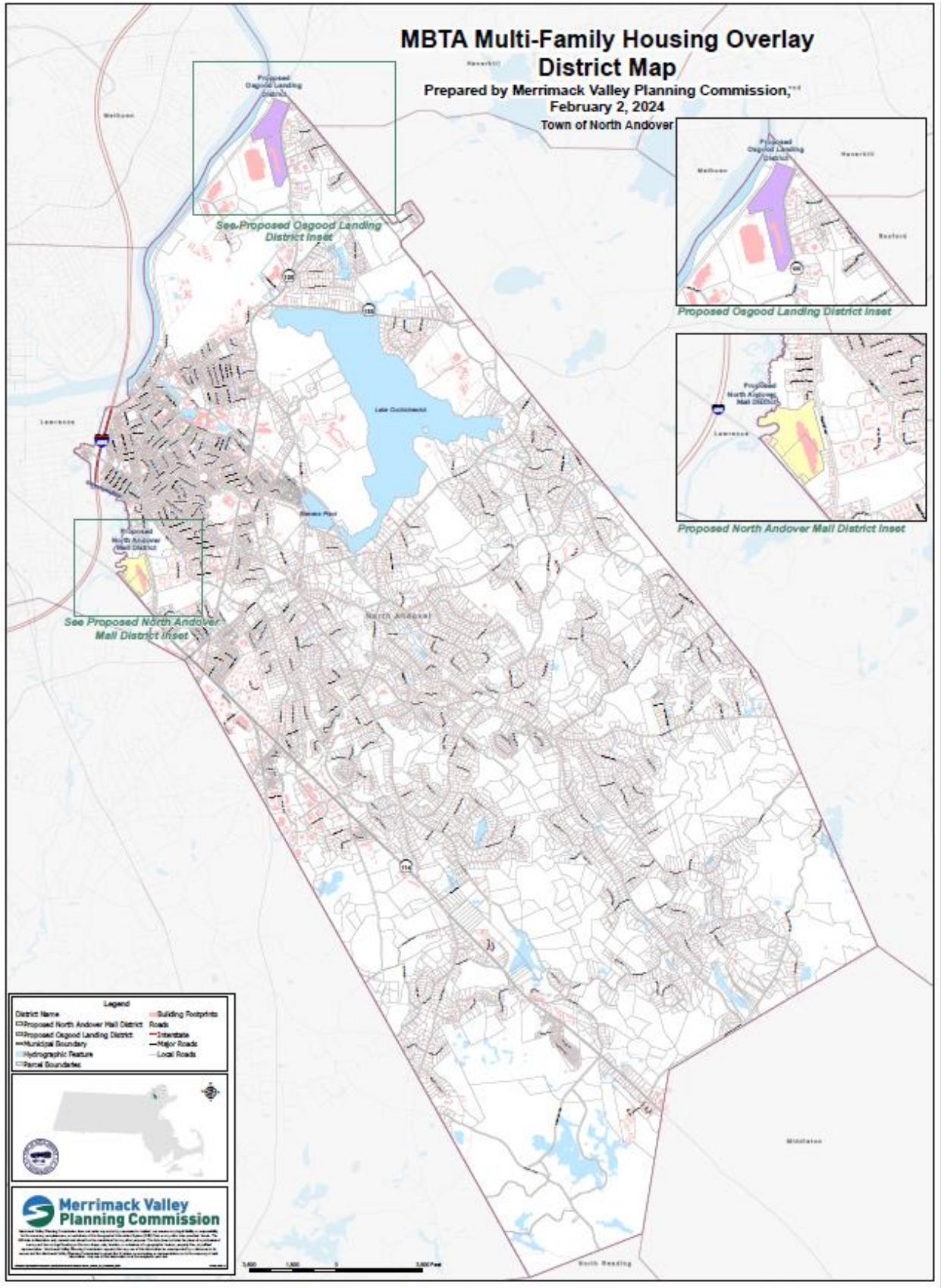
**§195-19.43. Severability; Authority.**

This Article 19 is promulgated pursuant to the authority of MGL c. 40A, as applicable. If any provision of this Article 19 is found to be invalid by a court of competent jurisdiction, the remainder of Article 19 shall not be affected but shall remain in full force and effect. The invalidity of any provisions of this Article 19 shall not affect the validity of the remainder of this article.



# MBTA Multi-Family Housing Overlay District Map

Prepared by Merrimack Valley Planning Commission,<sup>INC</sup>  
February 2, 2024  
Town of North Andover



See Proposed Osgood Landing District Inset



Proposed Osgood Landing District Inset



See Proposed North Andover Mall District Inset



Proposed North Andover Mall District Inset

Legend	
District Name	Building Footprints
Proposed North Andover Mall District	Roads
Proposed Osgood Landing District	Interstate
Municipal Boundary	Major Roads
Hydrographic Feature	Local Roads
Parcel Boundaries	

**Merrimack Valley Planning Commission**

1:500 1:000 0 1:000 Feet



Or take any other action relative thereto.

Upon motion made and duly seconded it was VOTED to approve Article 28 as printed in the warrant and displayed on the screen.

**VOTE: A two-thirds (2/3) vote required for passage, the Moderator declared the Motion Passed by a vote of 535 IN THE AFFIRMATIVE AND 253 IN THE NEGATIVE.**

A true record  
A T T E S T

*Carla Dawne Warren*

Carla Dawne Warren  
Town Clerk