

## SECTION 30

### SMART GROWTH OVERLAY DISTRICT(S)

#### 30.1 General Regulations that apply to all Smart Growth Overlay Districts

1. Purposes - The purposes of the Smart Growth Overlay District (SGOD) are:
  1. To encourage smart growth in accordance with the purposes of G. L. Chapter 40R.
  2. To provide an opportunity for residential and mixed-use development within a distinctive, attractive and livable environment in the City of Woburn.
  3. To promote development and redevelopment in the City that is pedestrian friendly.
  4. To ensure high quality site planning, architecture, and landscape design that enhances the distinct visual character and identity of the City and provides an environment with safety, convenience and amenity.
  5. To provide for a diversified housing stock at a variety of costs within walking distance of services, employment opportunities and public transportation, including affordable housing and other housing types that meet the needs of the City's population.
  6. To generate positive tax revenue for the City to the extent consistent with Massachusetts General Law Chapter 40R, and to benefit from the financial incentives provided by M.G.L. c. 40R, while providing the opportunity for new business growth and additional local jobs.
  7. To promote efficient use of land and existing parking supply and limit the expansion of surface parking within the district by encouraging shared parking.
  8. To encourage adoption of energy efficient building practices and sustainable construction methods.
2. Definitions – The following definitions shall apply only to this Section 30. All terms shall be defined in accordance with the definitions established under the Governing Laws or this Section, or as set forth in the City Council's Regulations for the SGOD ("the SGOD Regulations"). Where, for readability or other reasons, the terms defined in Section 30.1.2 and the SGOD Regulations appear without capitalization, such use shall nevertheless have the same meaning as the capitalized term so defined in Section 30.1.2 or the SGOD Regulations, as applicable, unless it is obvious and appropriate based on the context that the common law definition applies. With respect to terms pertaining to any mandatory provisions, unless otherwise approved by DHCD

or defined by applicable state or federal law, common law definitions shall apply to all other terms not defined in Section 30.1.2 or the SGOD Regulations. To the extent that there is any conflict between the definitions in this Section 30.1.2 or the SGOD regulations and the Governing Laws, the terms of the Governing Laws shall govern.

ACCESSORY USE: The use of a structure or lot for a purpose incidental to a permitted principal use (or, in the case of mixed use projects, uses), permitted As-of-right, customarily found in connection therewith, located on the same lot as the principal use(s), and which does/do not in effect constitute conversion of the principal use(s) of the structure or lot to one not permitted.

ADMINISTERING AGENCY: The Woburn Housing Authority or other qualified housing entity designated by the City Council or DHCD, pursuant to Section 30.1.7 to review and implement the Affordable Housing requirements affecting Projects under Section 30.1.7.

AFFORDABLE HOMEOWNERSHIP UNIT: An Affordable Housing unit required to be sold to an Eligible Household.

AFFORDABLE HOUSING or AFFORDABLE UNIT(S): Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION: A deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 30.1.7 of this Ordinance.

AFFORDABLE RENTAL UNIT: An Affordable Housing unit required to be rented to an Eligible Household.

APPLICANT: The individual or entity that submits a Project for Plan Approval.

AREA-WIDE MEDIAN INCOME: The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

AS-OF-RIGHT: A use allowed under the SGOD without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the Woburn City Council pursuant to Sections 30.1.11 through 30.1.19 inclusive shall be considered an As-of-right Project (subject to review and approval by DHCD of any Municipal 40R regulations, guidelines, application forms, or other requirements applicable to review of

Projects by the Plan Approval Authority under this Ordinance and 760 CMR 59.00.).

AUDITORIUM, THEATER OR PLACE OF PUBLIC ASSEMBLY: A space designed and intended to enable an audience to hear and watch live or pre-taped performances.

AUTOMATIC TELLER MACHINE (ATM), FREESTANDING: A pedestrian-oriented mechanical device, not in proximity to a bank or other financial institution, which is accessed by an individual for the purpose of receiving cash from accounts and/or allows patrons to transact minor financial activities. ATMs for use by patrons in vehicles are to be considered Drive-up Customer Service Facilities.

BASEMENT: A portion of a building, partly underground, which has more than one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average grade of the adjoining ground. A basement is not deemed a story unless its ceiling is six feet six inches (6.5 feet) or more above the finished grade.

BILLBOARD: A sign or freestanding sign that advertises a business, service, product, activity, commodity, entertainment or similar object or activity that is conducted, sold, or offered on a lot other than the lot on which the sign or freestanding sign is erected.

BUILDING: An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels, or property of any kind. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

BUILDING COMMISSIONER, ALSO KNOWN AS THE COMMISSIONER OF BUILDINGS: The Commissioner of Buildings of the City of Woburn, also known as the Building Commissioner, charged with the enforcement of this Zoning Ordinance.

CELLAR: A portion of a building, partly underground, which has less than one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average grade of the adjoining ground. A cellar is not deemed a story.

CHILD CARE CENTER: Any facility for the commercial day care of four or more children.

CITY COUNCIL: City Council of the City of Woburn.

CONSUMER SERVICES: A barber shop or salon, dry cleaning (drop-off/pick-up only), laundry establishment associated with a residential use, photographer's shop or studio or similar business where service is provided directly on the premises.

DEPARTMENT OR DHCD: The Massachusetts Department of Housing and Community Development.

DESIGN STANDARDS: The provisions of Section 30.1.20 which are the design provisions that are applicable to all Projects within the SGOD.

DEVELOPMENT IMPACT TRAFFIC STANDARDS: Standards by which a Project shall be evaluated relative to its impact upon the City's traffic. The standards of Level of Service and Impacted Intersections shall be used to evaluate a project's impact on the City's traffic infrastructure.

DRIVE-UP CUSTOMER SERVICE FACILITY: A fast food restaurant, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

DRIVEWAY: An open space, located on a private lot, providing for access to a private garage or off-street parking space.

DWELLING, MULTI-FAMILY or MULTI-FAMILY OR MULTIFAMILY RESIDENTIAL: A dwelling which contains three (3) or more dwelling units attached or located in a single structure.

DWELLING UNIT: One (1) or more rooms arranged, intended or designed to be occupied by one (1) family/household and to provide complete facilities for living, sleeping and eating.

ELEVATION: Height relative to mean sea level.

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

ERECTED: The word erected shall include the word attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or government agencies, of underground or overhead utilities and appurtenances including buildings necessary for the furnishing of adequate service for the benefit of public health, safety or general welfare by such public utilities or governmental agencies.

FINANCIAL INSTITUTION: A state or federally chartered bank, savings association, credit union, or industrial land company located in a building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer services facilities (including for accessory ATMs) on the same premises. This term does not include small loan businesses or check cashing facilities.

FLOOR AREA, GROSS: The sum of all areas of a building within the inside perimeter of the exterior faces of the walls. It includes all floors of a building, basements, cellars, attics, penthouses, unenclosed and closed-in porches, closets, ramps, floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, and any floor space intended and designated for the operation and maintenance of the building, i.e. heating, air conditioning, ventilation, mechanical and electrical equipment, elevator machinery, elevator shafts, corridors, hallways, columns and stairwells. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

FLOOR AREA, NET: The sum of all the floors of a building used for human occupancy, including basements, cellars, attics, and floor area of interior courts designed for human occupancy and used for such purpose, and as measured from the interior faces of the walls. It does not include cellars, basements, attics and unenclosed and closed-in porches not designed and/or used for human occupancy, closets, ramps, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance, or any floor space intended and designated for operation and maintenance of the building such as heating, ventilation, air conditioning, mechanical and electrical equipment, elevator machinery, elevator shafts, corridors, hallways, columns and stairwells.

FLOOR AREA RATIO (FAR): The ratio of the net floor area of the structure to the lot area.

FRONTAGE: The length of continuous linear feet of a lot which runs along a street. See also "LOT LINE, FRONT".

GOVERNING LAWS: M.G.L. Chapter 40R and 760 CMR 59.00.

GARAGE: A structure for the storage of motor vehicles.

GRADE: The rate or percent of change in elevation of the surface of the land as measured in feet of vertical change per one hundred (100) feet of horizontal distance.

HEALTH CLUB/FITNESS CENTER: A Health Club/Fitness Club shall mean a commercial establishment or use which operates a group fitness center, gym or recreational facility that may offer membership but is generally available to the public.

HEIGHT OF A BUILDING: The vertical distance measured from the average ground elevation around the exterior walls of the building, determined without regard to any attached accessory building, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof except that the measurement of height shall not include appurtenant roof structures such as chimneys, service equipment and penthouses or spires, smokestacks, flag poles, aerials, roof-mounted energy systems, and the like.

HOME OCCUPATION OR OFFICE: The use of a portion of a dwelling as an office, studio, or workroom for occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade nor commodity sold on the premises and which:

- a. Is clearly incidental to and secondary to the use as a residence; and
- b. Is a customary home occupation such as dressmaking, millinery, or preparing food for sale; or
- c. Is an office of a resident physician, dentist, attorney at law, architect, engineer, real estate broker, insurance broker, teacher of not more than three (3) students, or member of other recognized professions; and
- d. Shall have no exterior evidence of the home occupation or display or storage of materials other than permitted by this ordinance, including signs as permitted in Section 30.9; and
- e. The equipment, facilities or conduct associated with the home occupation do not create undue or harmful noise, smoke, dust, odor, vibration, electrical interference, customer traffic, or unsightliness discernable from adjacent properties or such other interferences with the peaceable enjoyment of neighboring residents.

HOTEL: A business activity where rooms for temporary lodging are rented on a nightly or longer basis and whose facilities may include restaurants, pools, recreation amenities, conference and meeting rooms and similar types of accessory uses. All rooms shall be accessed from an internal hallway.

IMPACTED INTERSECTION(S): Any nearby intersection that will be negatively impacted by the increased traffic due to the proposed development.

LANDSCAPING: The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climactic conditions of the area. In addition, the term landscape may include some natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, benches and other types of street furniture. Landscaping material may also include, but is not limited to, other non-living durable materials such as rocks, pebbles, sand, brick pavers, and earthen mounds, but excluding pavement for vehicular use.

LEVEL OF SERVICE (LOS): A measure used to analyze the quality of traffic service by categorizing traffic flow and assigning quality levels of traffic based on performance measures such as speed. A project's Level of Service shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

LOT: A single area of land in one ownership with definite boundaries, ascertainable by deed or recorded plan.

LOT AREA: Lot area shall be determined by an area within a lot including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area.

LOT, CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, INTERIOR: A lot, other than a corner lot, with frontage on only one (1) street.

LOT LINE: A line which separates one (1) or more lots or a lot and a street.

LOT LINE, FRONT: The lines separating a lot from the right-of-way of a street. On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction.

LOT LINE, REAR: Any lot line which is not a front or side lot line.

LOT LINE, SIDE: Any line which separates a lot from another lot and which intersects a front lot line or which, if extended to a front lot line or its extension, would form an angle of greater than 45 degrees with the front lot line when measured on the side of the angle closest to the center of the lot.

LOT, THROUGH: A lot, other than a corner lot, the front and rear lot lines of which abut streets.

MIXED-USE RESIDENTIAL: A mix of any permitted commercial use including consumer services, child care center, retail, restaurant (full service and/or fast casual including rooftop dining), health club/fitness center, muscular therapy and/or office and multi-family uses (including Tenant Recreational Facilities) in one building or in separate buildings on one development lot or on adjacent lots with or without structured parking. Any building within the development can have a single use or any combination of permitted uses, except that a building with residential use(s) must also have permitted commercial uses.

MONITORING AGENT: A Monitoring Agent engaged by the Administering Agency to perform administration, monitoring and enforcement services regarding compliance of the Project with the terms of Affordability of the Affordable Units.

MUSCULAR THERAPY: Any establishment created for purpose of providing Massage Therapy by a duly licensed Massage Therapist.

OFFICE: A workplace used for the transaction of business or non-profit functions, excluding as principal uses manufacturing, retail construction, and warehousing and including but not limited to professional offices and offices that support or manage on-site or off-site manufacturing, retailing, construction, and warehousing, as well as research laboratories and other facilities in which research activities are conducted.

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

PLAN APPROVAL: The Woburn City Council authorization for a proposed Project based on a finding of compliance with this article and the applicable Design Standards.

PLAN APPROVAL AUTHORITY (PAA): The Woburn City Council authorized under Section 30.1.11 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

PLANNING BOARD: Planning Board of the City of Woburn.

PREMISES: A lot, together with all buildings, structures, and uses thereon.

PRINCIPAL USE: The main or primary purpose(s) for which a structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this ordinance. The use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered as accessory use.

PROJECT or DEVELOPMENT PROJECT: A Mixed-Use Residential development project undertaken within the SGOD in accordance with the requirements of this Section 30.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

RESIDENTIAL USE or RESIDENTIAL: A building or part of a building limited to Dwelling Units as defined herein above and parking that is accessory to the Dwelling Units.

RESTAURANT, FULL-SERVICE: Any building, room, space (including outdoor patios and Rooftop Dining) or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed. A restaurant, full-service may provide "accessory" delivery service, take out service (Drive-Up Customer Service Facilities shall be prohibited) and related retail sales items.

RESTAURANT, FAST-CASUAL: Any building, room, space (including outdoor patios and Rooftop Dining) or portion thereof where food is sold for consumption primarily on premises with a component of sales related to take-out and/or delivery services. Patrons may order food and related retail sales items at a counter or through table service (Drive-Up Customer Service Facilities shall be permitted only through a Special Permit process).

RETAIL USE: The sale of goods to the public for use or consumption rather than for resale. Retail Uses shall include a pharmacy or drug store facility.

ROOFTOP DINING: The use of a structure's roof by a Full Service Restaurant or Fast Casual Restaurant, for assembly or the consumption of food and/or beverages.

SCOPING MEETING: A meeting between the Applicant and City officials at which the boundaries and work tasks for a traffic study can be determined taking into consideration (a) traffic from other developments in the No Build conditions plus the traffic from the proposed development, and (b) a comparison of No Build versus Build conditions.

SETBACK, FRONT: The minimum horizontal distance between the front lot line and the building nearest the front lot line such distance measured at a right angle to the front lot line.

SETBACK, REAR: The minimum horizontal distance between the rear yard line and the building nearest the rear yard line.

SETBACK, SIDE: The minimum horizontal distance between the side yard line and the building nearest the side yard line.

SGOD(s): The Smart Growth Overlay District(s) established in accordance with this Section 30.

SGOD Regulations: The rules and regulations of the Woburn City Council for the Woburn SGOD(s), adopted pursuant to Section 30.1.11 .

SHORT TERM RENTAL: The use of a Dwelling Unit for residential occupancy by a person or persons for a period of fewer than twenty-eight (28) consecutive calendar days for a fee. A Short Term Rental may or may not be facilitated through a booking agent.

SIGN: Any permanent or temporary device, letter, word, billboard, placard, painting, drawing, poster, banner, pennant, insignia, trade flag, streamer, display, emblem, helium balloon larger than one (1) foot in diameter which is attached to a building or structure, or representation used as or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye.

SIGN, ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

SIGN, AREA OF: The entire area within a single continuous perimeter, and a

single plane, which encloses the extreme limits of the advertising message, announcement or wording together with any frame, trim or other integral part of the display. The area of a freestanding or perpendicular wall sign is the entire area of one side of such sign.

SIGN, AWNING: A sign on a retractable shelter which is supported entirely from the exterior wall of a building.

SIGN, BLADE: A projecting sign that is mounted on to a building façade or storefront used to identify tenants which shall be perpendicular to the normal flow of pedestrian traffic. Blade Signs shall not overhang a public way.

SIGN, CANOPY: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area.

SIGN, DIRECTORY: A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two (2) or more lots, advertises or indicates one (1) or more of the following: The property address, the name of tenant and/or occupant of the premises, directional or parking instructions, or the sale or letting of the premises or any part thereof.

SIGN ERECTED: Attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

SIGN, FREESTANDING: A sign erected on or affixed to the land by a decorative foundation or framing device not affixed to a building. A freestanding sign may identify the Project name, property address, tenant(s) or occupant(s) of the premises.

SIGN, MARQUEE: A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.

SIGN, PORTABLE: A free-standing sign not permanently secured to the ground or a structure on the lot it occupies, including trailered signs and signs on permanently parked vehicles. (See definition below for Sidewalk Signs or A-Frame Signs). Portable Signs shall be prohibited.

SIGN, ROOF: Any sign which is erected, constructed, and maintained upon or over the roof of any building.

SIGN, SIDEWALK or A-FRAME SIGN: A free-standing temporary sign not permanently secured to the ground or structure on the lot it occupies. Sidewalk or A-Frame signs shall be permitted to be located on sidewalks outside the associated establishment and shall not be situated within a public way. Said signs shall be removed after business hours and during inclement weather and shall not impede pedestrian movement.

SIGN, TEMPORARY: Any exterior sign maintained for a limited period as specified in this ordinance.

SIGN, WALL: A sign affixed to the wall of a building either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

SIGN, WAYFINDING: Signs necessary to give clear directions to a parking lot or building entrance on the premises.

SIGN, WINDOW: A sign painted or posted on or within six (6) inches of an interior transparent surface including windows and doors.

STORY: A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

STREET: A public way, or a way shown on a plan approved by the Woburn Planning Board under the subdivision control law, or a private way in existence when the subdivision law became effective in the City which, in the opinion of the Planning Board has sufficient width, suitable grades and adequate construction to provide for the needs of a vehicular traffic and the installation of municipal services.

STREET FRONTAGE: The length of continuous linear feet of a lot which runs along a street or a way shown on a plan approved by the Planning Board under the Subdivision Control Law, or a private way in existence when the subdivision law became effective in the City which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services. On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.

STRUCTURE: Any combination of materials assembled, constructed, erected or maintained at a fixed location and place permanently or temporarily in or on the ground.

**SUBSTANTIAL ALTERATION OR IMPROVEMENT:** An alteration or improvement of a structure or group of structures totaling fifteen thousand (15,000) gross square feet or more in size which will either result in an increase in gross floor area of more than ten percent (10%) or which will require the addition of ten (10) or more parking spaces in order to comply with the Zoning Ordinance. An alteration or improvement shall be determined by the Building Commissioner to be a Substantial Alteration or Improvement based on the aggregate of all repairs, improvements, extensions or enlargements undertaken within a period of three (3) years prior to the submission of the SGOD Project application.

**SUPERMARKET:** A business activity selling a wide range of fresh and processed foods with household items as an accessory sales item. An allowed ancillary component of the Supermarket may include an accessory coffee shop or other accessory food service facility. Limited indoor seating areas may be permitted for consumption of food on the premises.

**TENANT RECREATIONAL FACILITIES:** On-site amenities designed and intended for use by tenants of the Project for their recreational enjoyment and which are not generally open for use by non-tenants or members of the public. Examples of tenant recreational facilities include swimming pools, rooftop patios, atria, media rooms, gymnasiums and meeting rooms.

**UNDERLYING ZONING:** The zoning requirements adopted pursuant to Massachusetts General Law Chapter 40A that are otherwise applicable to the geographic area over which the SGOD has been superimposed, as said requirements may be amended from time to time.

**USE:** The manner in which land or a structure is to be occupied or utilized.

**USEABLE OPEN SPACE:** Space that is unoccupied by buildings, and not devoted to service driveways, off-street loading or parking spaces and ways. Qualifying open space shall include private courtyards, outdoor dining patios, landscaped areas within parking lots and sidewalks, and at-grade or on-structure recreational amenities.

**WIRELESS COMMUNICATION LINK:** A facility consisting exclusively of fixtures and equipment used by a public utility or FCC licensed commercial entity for the wireless transmission and reception of radio signals including:

- a. Antenna Elements: reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices.

- b. Antenna Support Structures: structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles.
- c. Equipment Shelters: any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communication equipment.

A wireless communications link is a transmission and reception substation, not a principal facility for conducting a communications business. Wireless communications link shall not include television and radio station transmission antennae.

WIRELESS COMMUNICATIONS LINK, FREE-STANDING EXTERIOR: Any out-of-door wireless communications link mounted on, erected, or supported by any free-standing monopole, excluding lattice style towers requiring three (3) or more legs or guywires.

WIRELESS COMMUNICATIONS LINK, BUILDING-MOUNTED: Any out-of-door wireless communication link mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks and the like) occupied and/or used primarily for other purposes.

WIRELESS COMMUNICATIONS LINK, INDOOR: Any indoor wireless communications link mounted inside, erected inside or supported within an existing building or structure including without limitation, buildings, cupolas, church spires, inactive smoke stacks and the like occupied and/or used primarily for other purposes.

YARD, FRONT: An open space extending for the full width of the lot between the front line of the structure wall and the front lot line.

YARD, REAR: An open space extending the full width of the lot between the rear line of the structure wall and the rear lot line.

YARD, SIDE: An open space extending for the full length of a structure between the structure wall and the side lot line. On triangular-shaped lots, each side yard setback shall be paralleled and extended to a rear point of intersection within the lot.

ZONING ORDINANCE: The Zoning Ordinance of the City of Woburn MA.

- 3. Scope and Authority - The Smart Growth Overlay District is established pursuant to the Governing Laws, and shall be deemed to overlay the parcels

as shown on the Zoning Map of the City of Woburn, as amended. Development Projects proceeding under Section 30 shall be governed solely by the provisions of Section 30 and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and all other provisions found elsewhere in the Zoning Ordinance, including but not limited to, other overlay provisions, limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

The Underlying Zoning shall remain in effect, and the Applicant shall have the option of applying for Plan Approval pursuant to the zoning controls set forth in Section 30 or complying with all applicable zoning controls set forth in the Zoning Ordinance of the City of Woburn for the underlying district(s) or for other overlay zoning that may be therein defined.

Until such time that the City of Woburn has qualified for one or more density bonus payments corresponding to a number of Bonus Units that is equal to or greater than the minimum number of Incentive Units associated with any Zoning Incentive Payment received for a given SGOD established under this Section 30, the versions of the city's Stormwater Management, and Solar Voltaic Installation ordinances applicable to Development Projects in such SGOD shall be the versions submitted to DHCD on January 25, 2019. Any subsequent amendments to such sections of the Zoning Ordinance shall not apply to Development Projects in such SGOD until DHCD has received written notice of such amendment(s) and determined, within 30 days of receipt, that such amendment(s) does not Unduly Restrict development within such SGOD as per 760 CMR 59.02. Where DHCD fails to issue such determination within said 30 days, such amendment(s) shall be deemed to be approved for purposes of applicability to Development Projects within such SGOD.

4. Administration, Enforcement, and Appeals - The provisions of this Section 30 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the City Council shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 30 shall be governed by the applicable provisions of G. L. Chapter 40A.
5. Off-Street Parking and Loading
  1. Off-Street Parking - Off-street parking ratios shall be specified for each individual SGOD as may be established under Section 30.2.

2. Off-Street Loading & Delivery –Loading and delivery spaces shall be designed as follows:

Feature	Required Dimension(s)
Loading space	<p>Min. 10' wide by 35' long for uses requiring tractor trailer access/deliveries</p> <p>Any free-standing building &lt; 10,000 sf may load from adjacent drive aisles.</p> <p>No loading space shall be located at the front door of a tenant space excluding any Mixed Use Residential building.</p> <p>As part of any initial construction phasing to accommodate existing tenants in existing buildings, temporary loading spaces may be allowed to front along a roadway on an interim basis until such time as construction is substantially completed.</p>
Access driveway, one-way	18' wide min.
Access driveway, two-way	24' wide min.
Access driveway width at curb line	28' max.
Access driveway radius (Existing driveway radius may remain in current condition and shall not be subject to this requirement)	30' min.
Distance between access driveways on single lot	50' min. for corner lots; 30' min. for all others
Distance between access driveway & curb line of intersecting street	25' min.

3. Location of Parking - Surface parking spaces for new construction shall be set back from any existing constructed public way by a minimum of 10 feet. Parking, including loading and delivery spaces, are permitted within a building setback. Notwithstanding anything to the contrary herein, required surface parking may be provided on a lot which abuts an SGOD, provided that the Applicant demonstrates through the Plan Approval process that suitable arrangements, such as ownership, long-term lease or easement, have been made to assure the permanent provision of the parking.

4. Waiver of Parking Requirements - Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the City Council through the Plan Approval process if the Applicant can

demonstrate that the lesser amount of parking will not cause excessive congestion or endanger public safety, or can demonstrate that lesser amounts of parking will provide positive environmental or other benefits, taking into consideration:

- a. The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
  - b. The availability of public or commercial parking facilities in the vicinity of the use being served;
  - c. Shared use of off-street parking spaces serving other uses having peak user demands at different times;
  - d. Subject to approval by DHCD for consistency with 760 CMR 59.04(1)(g), age or other voluntary occupancy restrictions which are likely to result in a lower level of automobile usage;
  - e. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and/or other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways;
  - f. Pedestrian access to public transportation, and
  - g. Such other factors as may be considered by the City Council.
5. Shared Use of Required Parking - Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands that occur at different times of day is strongly encouraged. The minimum parking requirements in Section 30.1.5 may be reduced by the City Council through the Plan Approval process if the Applicant can demonstrate that shared spaces will meet parking demands by using acceptable methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
6. Compact Parking Spaces – The City Council may authorize up to twenty percent (20%) of the required parking spaces to be compact parking spaces.
7. Dimensional Requirements for Site Access / Off-Street Parking Facilities – The following requirements shall apply to the design and layout of required parking facilities and site access:

Feature	Required Dimension(s)
Parking space	9' wide by 18' long
Parking space, compact car	8' wide by 16' long
Parking space, handicapped	As required per AAB and ADA
Site drive, parking lot/garage aisle, one-way	16' wide min.

Site drive, parking lot/garage aisle, two-way	24' wide min.
New entrance/exit driveway radius for new driveways (Existing radius may remain and are not subject to this requirement)	20' min.
Distance between driveways on single lot	50' min. for corner lots; 30' min. for all others
Distance between driveway & curb line of intersecting street	25' min.

8. General Design Requirements for Parking Areas and Loading Facilities

- a. Driveways shall be located so as to minimize conflict with traffic on adjacent streets and where good visibility and site distances are available to observe approaching pedestrian and vehicular traffic.
- b. Parking facilities shall be designed so that a vehicle may proceed to and from each parking space provided for it without requiring the moving of any other vehicle, except for a parking facility providing valet parking.
- c. All loading facilities shall be designed with appropriate means of vehicular access and adequate maneuvering area, which maneuvering area must be provided with immediate ingress to the building to be served.
- d. All parking facilities and loading areas shall have security lighting which shall be arranged and shielded so as to prevent glare onto adjacent streets or properties.
- e. All parking facilities shall be surfaced with asphalt, concrete or other durable material and marked with four inch (4") painted lines or some other permanent marking system to clearly denote all parking spaces and, where appropriate, travel direction and instruction.
- f. All parking and loading areas shall be designed and constructed so as to provide proper drainage of the lot.
- g. Curbing, wheel stops, guard rails or bollards shall be placed at the edges of surfaced parking areas in order to protect landscaped areas or otherwise control parking locations.
- h. Parking facilities shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and whenever necessary shall be replaced with new material to ensure continued compliance with any approved plan or landscaping requirement. All surfaces, lighting, fences, walls, and barriers shall be maintained in good repair and whenever necessary shall be replaced.

6. Open Spaces and Recreational Areas

1. The site design for Development Projects may include common open

space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Plan Approval within the SGOD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the City Council shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the City Council, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development.

## 7. Affordable Housing

### 1. Affordable Units shall comply with the following requirements:

- a. The monthly rent payment for an Affordable Rental Unit, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless another methodology for determining the target household size has been approved by DHCD.
  - b. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one.
  - c. Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. Number of Affordable Units - Twenty percent (20%) of all ownership Dwelling Units and twenty-five percent (25%) of all rental Dwelling Units constructed in a Development Project shall be Affordable Units. Provided however, for Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the dwelling units are rental units or ownership units.
  3. Fractional Units - When the application of the percentages specified in Section 30.7.2. results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
  4. Design and Construction - Affordable Housing units must be dispersed

equitably and proportionately throughout the residential portion of a Development Project, including, where applicable, across all buildings, floors and unit types in accordance with the affordable housing restriction and marketing and tenant selection plan approved by DHCD. Affordable Housing units must be comparable in initial construction quality and exterior design to the unrestricted units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Housing units shall be finished housing units. All Affordable Housing units must be constructed and occupied not later than concurrently with construction and occupancy of unrestricted units. In Development Projects that are constructed in phases, Affordable Housing units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

5. Unit Mix - The total number of bedrooms in the Affordable Housing units shall be at least proportionate to the total number of bedrooms in all units of the Project of which the Affordable Units is part.
6. Affordable Housing Restriction - Each Affordable Unit shall be subject to an Affordable Housing Restriction approved by DHCD, pursuant to 40R, and recorded with the County Registry of Deeds or Land Court Registry District of the County. All Affordable Housing Restrictions must include, at minimum, the following:
  - a. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development or portion of a Development which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development or the rental portion of a Development with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
  - b. The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law but shall be no less than thirty (30) years.
  - c. The name and address of the Monitoring Agent with a designation of its power from the Administering Agency to monitor and enforce the Affordable Housing Restriction.

- d. Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, pursuant to 40R, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
- e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.
- f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
- g. A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.
- h. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.
- i. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the City of Woburn, in a form approved by municipal counsel and DHCD pursuant to the Governing Laws, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
- j. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the provisions of this Section 30.1.7 and containing such other information as may be reasonably requested in order to ensure affordability.
- k. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the City of Woburn, in a form approved by municipal counsel and DHCD pursuant to the Governing Laws, and shall limit rental and occupancy to an Eligible Household.
- l. A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability, subject to DHCD Guidelines and Fair Housing Laws.
- m. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

7. Administration - The Administering Agency must act as or engage a Monitoring Agent to perform administration, monitoring and enforcement services regarding compliance of the Project with the Affordable Housing requirements under this Section 30.1.7. The Monitoring Agent shall ensure the following:
  - a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
  - b. Income eligibility of households applying for Affordable Units is properly and reliably determined.
  - c. The housing marketing and resident selection plan has been approved by DHCD pursuant to the Governing Laws, conforms to all requirements and is properly administered.
  - d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
  - e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex County Registry of Deeds or Land Court. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the City Council or by DHCD, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the City Council.
  - f. Unit Phasing and Occupancy Plan – A unit phasing and occupancy plan shall be submitted to the Commissioner of Buildings for review and approval prior to the issuance of a Building Permit. Said unit phasing and occupancy plan shall identify each affordable unit and shall specify the schedule for construction in phases where applicable and scheduling of occupancy for both market rate and affordable units. Occupancy permits for Affordable Units shall be issued prior to those for constructed and occupied concurrently with market rate units, whether occupancy permits are sought on a building-wide basis, for each unit individually, by floor in a multi-story building or by cluster in a townhouse development.
  
8. Costs of Housing Marketing and Selection Plan - The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the Monitoring Agent and the owner shall pay reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with the Affordable Housing requirements. Nothing herein shall restrict the owner from acting as the Monitoring Agent subject to DHCD's approval through the respective Affordable Housing

Restriction and compliance with applicable DHCD regulations. Costs associated with the requirements of this section shall not exceed one-half percent of the amount of rent of the Affordable Rental Units (paid annually) or one percent of the sale or resale price of Affordable Homeownership Units (payable upon each sale or resale).

In combination, the various documentation required under Section 30.1.11, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

## 8. Signage Regulations

1. Permitted Signs: The following signs are permitted in all areas of the SGOD:
  - a. Signs erected by or on the order of a governmental agency when limited to governmental purposes and excluding any advertising.
  - b. Names of buildings, date of erection, monumental citations and commemorative tablets when made a permanent and integral part of a building, not to exceed ten (10) square feet.
  - c. Banners or flags emblematic of or issued by national, state or local governments.
  - d. Signs not to exceed two (2) square feet which indicate warnings, hazards or public conveniences such as "no trespass", "beware of dog" or rest room signs.
  - e. Up to two (2) signs identifying churches or religious facilities on each street frontage, one (1) of which may not exceed twenty (20) square feet in area and one (1) of which may not exceed ten (10) square feet in area. One (1) of the permitted signs may be free-standing and may be used for notices and announcements of services and events.
  - f. Wayfinding Signs. Signs necessary to give clear directions to a parking lot or building entrance on the premises. Such signs shall not exceed four (4) square feet in area, nor shall they stand more than four (4) feet high. Such signs may be located within required yard areas but not closer than five (5) feet from public streets. Wayfinding Signs may not advertise any tenant or user on the property.
2. Prohibited Signs: The following types of signs are prohibited in all areas of the SGOD:

- a. All non-necessary signs including billboards.
  - b. Roof signs
  - c. Signs which extend more than four (4) feet above the main roof line of the buildings to which they are attached.
  - d. String lights used in connection with commercial premises with the exception of lighting of outdoor patio or public activity space and temporary lighting for holiday decorations.
  - e. Signs or other advertising devices with visible moving or movable parts or with flashing, animated or intermittent illumination.
  - f. Portable, fluttering, feather or movable signs including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises, fence or utility pole so as to serve as a sign.
  - g. Pole mounted and pylon signs.
3. General Requirements for Signs:
- a. Required setbacks for signs shall be the same as those specified for the principal building on the lot.
  - b. All signs and the immediate area surrounding free-standing and ground mounted signs must be maintained in good repair and free of rubbish and weeds.
  - c. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure that in the judgment of the Building Commissioner is dangerous, or in disrepair or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner and must be completed within thirty (30) days of notification by the Building Commissioner. Appeals from the Building Commissioner's order shall be held by the Woburn Board of Appeals.
  - d. No sign shall be placed in a manner that casts reflection upon any dwelling.
  - e. All sign illumination shall be interior, non-exposed or shielded exterior illumination directed solely at the sign. Illumination shall be steady and stationary.
  - f. No sign or its illuminator shall by reason of its location, shape, size or color create, in the opinion of the Chief of Police, a driving hazard to vehicles or obstruct the effectiveness of any official traffic sign, traffic signal or traffic marking.
  - g. Free-standing Signs greater than four feet tall shall not be located within a triangular area formed in the following manner: By a front lot line, a street intersecting such front lot line and a straight line which connects points along the aforesaid lines twenty-five (25) feet from their intersection.
  - h. No Sign shall be maintained which advertises a product no longer sold

or a commercial enterprise no longer in operation on the premises upon which the Sign is located. Except for allowed real estate "For Sale" or "For Lease" signs, no Sign shall remain in place in or on the vacated premises for more than thirty (30) days from the day of vacancy. No holiday Signs or decorations shall be posted more than sixty (60) days prior to any holiday or remain posted more than thirty (30) days after any holiday.

- i. No Signs shall be affixed in a temporary or permanent manner to any utility pole or poles located along a way in the City of Woburn in connection with the private activity, business, enterprise or event such as, but not limited to, the sale, rental or lease of a premises directly to a private business operation or any other private activity.

## 9. Additional Use Regulations

### 1. General Requirements

- a. There shall be no use of a building, structure or land for a purpose that creates a nuisance by reason of the emission of odors, waste, fumes, dust, smoke, vibration, noise, light, radiation, or other causes.
- b. The open display or open storage of junk shall be prohibited in all districts, including, but not limited to more than one (1) unregistered automobile, worn out, cast off, or discarded articles and materials which are ready for destruction or have been stored or collected for salvage or conversion into some other use. Any storage of such articles and materials shall be enclosed or screened so that they are not visible from adjacent streets or properties.
- c. No equipment or process shall be utilized in any use of land, buildings or structures which creates a nuisance by virtue of unreasonable noise, vibration, dust, smoke, radiation, waste, glare, fumes, or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in any radio or television receivers. No other noise, vibration, smoke, dust, odors, heat, glare, unsightliness, or other nuisance shall be produced which is discernable from other properties.
- d. There shall be no nuisance created as a result of the emission of odors, fumes, dust, noise, smoke, vibration, radiation, waste or any other cause which would be or appear to be injurious, noxious, offensive, hazardous, or otherwise objectionable to the general neighborhood or to the City. Permits from the State Department of

Environmental Protection (DEP) shall define acceptable limits for the effects of individual projects.

2. Requirements for Fences

- a. No fence, retaining wall, screen or other method of separation shall be erected without a permit; however, no permit shall be required for the erection of a fence in a location in which a previously existing legally erected fence was maintained provided that the new fence is erected within thirty (30) days of the removal of the former fence and is not prohibited by state law or regulated by the Massachusetts State Building Code. No permit shall be required for the repair of a previously existing legally erected fence which is in broken or damaged condition including the replacement of the fence, or a section thereof, with a new fence provided that the fence is not prohibited by state law or regulated by the Massachusetts State Building Code.
- b. Any fence built or maintained within the front setback requirement shall not exceed three (3) feet in height. All other fencing shall not exceed six (6) feet in height.
- c. The smoothest and best appearing side of a fence must face the abutting land.
- d. A fence that has been painted or refinished or otherwise decorated that is not kept up and properly maintained shall not be allowed to stand.
- e. No color combinations or other unnecessary configurations will be used to attract unnecessary attention or in the opinion of the fence viewer would lower the value or disrupt the harmony of adjacent property.

10. Development Impact Mitigation

1. Purpose - The purpose of these provisions is to protect the health, safety and general welfare of the inhabitants of the City of Woburn by providing for the assessment of plans for proposed uses and structures which will have impacts on traffic and public utilities, and by requiring the reasonable mitigation of those impacts. Section 30.10 will ensure that Woburn's infrastructure is upgraded and maintained in a responsible manner consistent with State and Municipal Laws. This Section 30.10 will increase the safety and reliability of Woburn's roads for pedestrians, residents, employees and motorists alike and will ensure that major developments bear a proportionate share of the cost of capital facilities necessary to accommodate such development.
2. Applicability - The requirements of this section shall apply to any new construction or Substantial Alteration or Improvement within the SGOD.

3. Submission of Development Impact Statement (DIS) - An application for development within the SGOD shall include a DIS which shall be prepared by personnel competent and qualified in their respective fields; at a minimum, the traffic and utility assessments must be prepared by qualified Massachusetts Registered Professional Engineers. The DIS shall include detailed, reasonable information on the following subjects, including an assessment of the clear, direct impacts, solely from the subject Development Project, upon:
- The public health, safety and general welfare of rResidents of the City who visit, live in, work in or are otherwise in or near the Development Project and their public health, safety and general welfare;
  - The immediately surrounding natural environment;
  - Nearby parks, playgrounds, and other recreational and open spaces;
  - Storm water management and drainage courses;
  - Roadways, streets and other public ways;
  - Motor vehicle traffic including public transit, passenger and truck traffic;
  - Non-motorized vehicular traffic, including pedestrian movement and safety and bicycle travel;
  - Public utilities, including water and sewer supplies and demand, gas, electric, telephone and the like;
  - Sanitary waste disposal; and
  - Trash.; and
  - Proposed on-site school bus drop off/pick up locations.

The DIS shall include the following:

- a. **Traffic Study:** This assessment shall document existing traffic conditions in the vicinity of the proposed Project, accurately describe the volume and effect of the projected traffic generated by the proposed Project, and identify measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.

Prior to preparing the Traffic Study, the Applicant's Registered Professional Engineer is strongly encouraged to participate in a Scoping Meeting with the City Engineer to review the proposed scope of the Traffic Study including the identification of the project impact area or intersections to be studied. The City Engineer shall provide a written statement to the City Council regarding concurrence or disagreement with the proposed scope or the scope as otherwise provided in the Traffic Study, and the reasons for his/her opinion. Such written statement shall be provided to the Applicant either within thirty (30) days of the City Engineer's pre-application meeting with the Applicant's Registered Professional Engineer or, if no Scoping Meeting is held within thirty (30) days of the City Engineer's receipt of the

Traffic Study as part of the application circulated by the City Clerk. Such written statement of concurrence or disagreement shall be either included with or subsequently attached to, as applicable, the Traffic Study submitted by the Applicant. The City Council may require the Applicant to study and evaluate additional roadways and/or intersections to address any concerns identified by the City Engineer.

The Traffic Study shall contain the following:

- i. Existing traffic conditions: Measurement and assessment of average and daily peak hour vehicular, pedestrian and bicycle traffic volumes, average and peak speeds, sight distances, accident data and Levels of Service (LOS) of all intersections and streets within the project impact area and including any intersection projected to be adversely affected by the project over the No Build condition. Such data shall be no more than twelve (12) months old at the time of application, unless other data are specifically approved by the City Council with the recommendation(s) of the City Engineer. Automated Traffic Recorder (ATR) data must be for a minimum of 48 hours, not including Saturdays, Sundays, holidays, any day within a holiday week, or any day with any snowfall in the Boston basin geographical area. For each location counted, a plot of average directional count by hours for a 24 hour average weekday shall be provided.

For Development Projects near a State or Federal highway, turning movement counts must be sufficient to show that they include, at a minimum, the two highest peak hours among these possibilities: AM highway peak, mid-day highway peak, mid-afternoon highway peak, and PM highway peak. If the two highest generator peak hours do not overlap any part of the highway peak, substantiating data must be provided.

With respect to accident history, a minimum of three (3) years of data shall be provided for each roadway and intersection impacted by the project. Written requests for accident reports shall be made to the Woburn Police Department for local roads and intersections and to MassDOT's District 4 Engineer for roads and intersections on State-owned highways.

- ii. Projected traffic conditions: Projected traffic conditions for the design year of occupancy, including a statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that

have been approved in whole or in part by the City of Woburn or an abutting town which will affect future traffic conditions.

- iii. Projected impact of proposed Development Project: Projected peak hour and daily traffic generated by the Development Project on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed Development Project, and projected post-development traffic volumes and Levels of Service (LOS) of intersections and roads likely to be affected by the proposed Development Project.
  - iv. Traffic mitigation measures: Specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed Development Project and to ensure that current traffic conditions and Levels of Service (LOS) are not adversely affected by the Project. Also, the assessment shall consider both on site and off site mitigation measures, to include but not be limited to new traffic control signals, increase(s) in right of way capacity via widening roads, or other right of way or intersection improvements. Where the use of existing transit systems is proposed as mitigation, analysis of the impacts on capacity and performance of these services should be quantified and documented in this section. The proposed mitigation measures, if approved, shall be required to be completed prior to the issuance of a final certificate of occupancy for the Project component. The assessment shall also consider how the proposed mitigation measures and future year performance degradation are fully mitigated to the equivalent No Build condition.
- b. Utility Impact Assessment: The Utility Impact Assessment shall document the capacity and condition of the existing public utility infrastructure in the vicinity of the proposed Project, including but not limited to water and sewer services and storm water drainage systems. The assessment shall also accurately describe the additional demand, if any, upon said infrastructure items, generated by the proposed Project, and identify measures necessary and sufficient to mitigate the impact caused by any such additional demand.

Prior to preparing the utility impact assessment, the Applicant's Professional Engineer is strongly encouraged to meet with the City Engineer to review the proposed scope of the utility impact assessment, including the identification of the Project impact area to be studied, which shall include all water and sewer utilities likely to be

affected by the proposed project. The City Engineer shall provide a written recommendation to the City Council regarding the proposed scope or the scope as otherwise provided in the utility impact assessment, and the reason(s) therefor. Such written recommendation shall be provided to the Applicant within thirty (30) days of the City Engineer's meeting with the Applicant's Professional Engineer, or, if no Scoping Meeting is held, within thirty (30) days of the City Engineer's receipt of the utility impact assessment as part of the application circulated by the City Clerk. Such written recommendation shall either be included with or subsequently attached to, as applicable, the Utility Impact Assessment submitted by the Applicant. The City Council may require the Applicant to study and evaluate additional utility infrastructure impacts, including but not limited to water, sewer and storm water drainage, to address any concerns identified by the City Engineer.

The Utility Impact Assessment shall evaluate:

- i. Existing condition and capacity: Identification of the size, type, condition and overall remaining capacity of the existing utility infrastructure. The assessment shall include examination of available and discovered City plans within the immediate Project vicinity, completion of hydrant pressure testing of the City water main(s) serving the facility and, where necessary, video camera inspections of existing sewer service connections to be re-used. The assessment shall also include an up-to-date inventory of City-owned utility infrastructure impacted by the Project; for sanitary sewer and storm drainage systems provide estimates of the existing capacity and percentage of capacity presently utilized as well as excess capacity if any;
- ii. Projected conditions: Projected usage shall be provided, including estimated water usage, and sanitary and storm water outflows; together with the impacts, as available, of usage caused by other developments already approved by the City.
- iii. Utility mitigation measures: Specific measures to be implemented by the Applicant to mitigate the impacts of the proposed Development Project on the public water and sewer infrastructure, including increasing the capacity by the replacing and/or enlarging existing lines; inflow and infiltration improvements or payments; on-site retention or detention tanks; or other on-site or off-site measures. The proposed mitigation measures, if approved by the City Council, shall be solely related to the Development Project and

completed prior to the issuance of a final Certificate of Occupancy for the Project component.

- c. Other Public Facilities Impact Assessments: This section of the DIS shall include detailed information about the Development Project's projected impact on all of the following:
- i. For all projects, where applicable, a description of information or analysis of impacts on-site or nearby:
- Parking, including existing and proposed on-site motor vehicle and bicycle parking layout(s)/accommodations and on-street/off-site (where applicable) motor vehicle and bicycle accommodations to evidence proposed facilities are sufficient to serve the project site;
  - Transit Services, including locations of bus, train and transit stops, shelters, stations and routes within the project impact area (as defined above) as well as private shuttle bus service routes, school bus stops, etc. within five hundred (500) feet of the project site. Information shall be provided relative to daily AM and PM schedules (including Saturdays for residential or retail projects) for stops/stations within five hundred (500) feet of the project site including a summary of transit schedules and headways for each service.
  - Environmental conditions and impacts, including a summary of wetland resource areas and buffer zones, identified and potential vernal pools, groundwater protection zones, flood hazard areas and floodplains, steep slopes and areas of known soil/groundwater contamination. If the project is subject to a Notice of Intent filing, the Applicant shall provide a copy of the submission to the City Council to fulfill the provisions of this Section.
  - Parks, playgrounds, and other recreational and open spaces, including all public and privately-owned open space parcels and trails, public parks and playgrounds and athletic facilities such as pools, running tracks, walking paths and ballfields within five hundred (500) feet of the project site.
  - Pedestrian movement and safety, including existing levels of pedestrian traffic within five hundred (500) feet of the project

site, five (5) year projections of volumes of pedestrian traffic, the location and condition of existing sidewalks and other pedestrian ways including whether or not compliant with ADA requirements, and provision of lighting and other safety measures in areas where pedestrian traffic exists or is expected as a result of the development.

- Trash and recycling. If the project will request public trash service, include estimated tonnage of refuse and recycling to be generated by the development on a weekly basis and any private or public provision(s) for collection of trash and recycling.
- d. Report by City Engineer - The City Engineer shall be responsible for preparing a written report to the City Council after consulting with the Superintendent of Public Works and all other relevant departments regarding the adequacy and accuracy of the scope, data, findings, and proposed mitigation measures presented in the Development Impact Statement and the proposed mitigation measures proposed in the traffic mitigation and utility impact assessments.
- e. The City Council may require peer review as it deems appropriate.
- f. Performance and Completion of Mitigation Measures
1. No building permit shall be issued to an Applicant for a Plan Approval under this section until surety has been established in a sum sufficient to ensure completion of any said mitigation measures, in the form of a performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the City Council after consulting with the City Engineer, who shall be responsible for review and approval of the costs of construction/completing mitigation measures and including a minimum of an additional twelve percent (12%) to the estimate, to account for inflation and as a contingency against unexpected field conditions. Such cost estimate shall be prepared by the Applicant's professional engineer or licensed architect. The City Solicitor shall approve the surety as to proper form and content prior to its acceptance by the City Council.

The Applicant is expected to complete/implement any and all required mitigation construction/improvements as conditions of any Plan Approval prior to the issuance of a final occupancy permit for the project.

The City Council may, by majority vote, periodically reduce the amount of the bond held as surety to guarantee completion of mitigation measures. No bond reduction or final release of remaining bond monies shall be approved unless the Council has received certification from the City's Engineering Department and/or any other appropriate municipal department that all required mitigation work has been satisfactorily completed.

2. Payments in Lieu of Performing Mitigation Measures

It is the preference of the City Council that the developer/applicant complete all mitigation measures, if any. Occasionally the option of a payment in lieu of performance may be appropriate in certain circumstances (e.g. contributions, which to the extent not voluntary and with the exception of the 12% interest and contingency specified above cannot exceed the cost of any direct and proportionate impact of the Development Project, toward a larger-scale infrastructure project being planned by others). In those circumstances the City Council may authorize the Applicant to make a payment in lieu of performing all or part of mitigation measure(s) which have been made a condition of the Plan Approval. Any such payment shall be equivalent to the amount calculated by the City Engineer in accordance with paragraph f.1 above and shall be placed into an account dedicated to the specific purpose identified as a condition of the Plan Approval. In calculating any such payment, the Applicant shall not be credited the amount of the contribution required under Title 13 of the City of Woburn Municipal Code as specified in the version of the city's Ordinance submitted to DHCD on January 25, 2019, or any contribution to roadway, water or sewer improvements required as a result of the environmental review process of the state or federal government. In the case when such payment in lieu of performance is accepted, if the funds have not been encumbered by the City of Woburn within two years of the issuance of an occupancy permit, the City Council upon request shall hold a hearing to determine why the funds have not been spent or encumbered. At said hearing, the City Council may extend for a period of no more than two years the time frame to encumber such payment in lieu of performance. If payment in lieu of performance is not executed in the aforementioned time frame, the payment shall be returned to the developer.

3. If the Applicant has defaulted on the conditions of the Plan Approval, and/or has not completed required mitigation work before the issuance of a temporary or final occupancy permit, the City

shall complete the mitigation measures as much as is practical with funds obtained through the exercise of the surety posted in accordance with paragraph e.1 above.

4. If a Development Project generates a significant number of additional residents and/or employees and such participation is warranted and required by the City Council, the Applicant shall agree to participate in the regional or local transportation management association (TMA) and implement a transportation demand management program that includes the assignment of an Employee/Resident Transportation Coordinator to work with the TMA, residents and employees to encourage ridesharing and the use of public transportation.
  5. Waivers - The City Council, by a majority vote, after receiving the Development Impact Statement and the report of the City Engineer, may waive all or part of the mitigation requirements of this Section 30.1.10. The City Council, in approving a waiver, shall make a specific finding, in writing, that the granting of a waiver will not create conditions which are substantially more detrimental to the neighborhood in which the site is located, than if the waiver were not granted. As the basis for its decision, the City Council shall consider other positive impacts of the Project upon the project impact area not measured by the Development Impact Statement, such as, but not limited to, the substantial remediation of an environmentally contaminated site, the creation of needed affordable housing and transportation demand management measures.
11. Plan Approval Procedures - The City Council shall adopt and file with the City Clerk SGOD Regulations relative to the application requirements and contents for Plan Review, subject to approval by the DHCD. Plan Approval procedures shall be as follows:
1. Pre-Application Materials/Guidance - Prior to the submittal of a Plan for Plan Approval, a "Concept Plan" may be submitted to help guide the development of the definitive submission for Project build out. Such Concept Plan shall reflect the following:
    - a. Overall building envelope areas
    - b. Open space and natural resource areas
    - c. General site improvements, groupings of buildings and proposed land uses

- d. Anticipated parking spaces and locations
- e. Site vehicular access

The Concept Plan is intended to be used as a tool for both the Applicant and the City Council to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

- 2. Application Procedures - All Projects are subject to Plan Approval.
  - 1. Submittal - An application for Plan Approval shall be submitted in accordance with the requirements herein and further specified in the SGOD Regulations, on the form provided by the PAA along with the application fees set forth in the SGOD Regulations. The application shall be accompanied by such plans and other documents as required by the SGOD Regulations required to verify compliance with any of the provisions of this Section in a manner that, as defined in 760 CMR 59.02, does not Unduly Restrict development within the SGOD. All plans shall be prepared by certified architects or engineers as required by the Massachusetts Building Code. An application for Plan Approval shall be filed by the Applicant with the City Clerk. A copy of the application, including the date of filing certified by the City Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the City Council. Application submissions must include a hard copy as well as an electronic copy in PDF. (Plans shall be provided in CAD format if requested by the City Engineer.) Said filing shall include any required forms provided by the City Council to the extent such forms are part of the SGOD Regulations or have otherwise been approved by DHCD. In addition to the submission requirements of SGOD Regulations, an application for Plan Approval shall also include all of the following which shall be submitted to the City Council:
    - a. Development narrative including all uses, breakdown of square footage for each use, number of housing units and zoning summary.
    - b. Photos of adjacent properties and other properties impacted by the Project.
    - c. Conceptual Building plans: all levels including roof.
    - d. Conceptual Building elevations: all sides including courtyards and interior lot elevations.
    - e. Massing perspective sketches or renderings illustrating the key elements of the development proposal within its context.
    - f. Proposed exterior lighting plan with photometric information.

- g. Proposed stormwater management plan with rainwater calculations in accordance with the City's Stormwater Management Ordinance in accordance with Section IV of the General Ordinance, regardless of the size of the land area being disturbed. The documents shall clearly differentiate between existing and proposed work by use of screened lines or color. Changes and revisions to subsequent submittals shall be prominently noted.
  - h. Evidence that the Development Project complies with the cost and eligibility requirements of Section 30.1.7;
  - i. Development Project plans that demonstrate compliance with the design and construction standards of Section 30.1.19;
  - j. A draft form of Affordable Housing Restriction that satisfies the requirements of Section 30.1.7; and
  - k. Review Fees: If the City Council deems peer review appropriate under Section 10.3.e, the Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the City Council, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City of Woburn in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the City Council in reviewing the application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;
2. Circulation to Other Boards – In accordance with the SGOD Regulations, the City Council shall provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions and Officials as determined by the City Council and the Monitoring Agent. These entities shall provide any written comments within thirty (30) calendar days of receipt of the plan and application as distributed by the City Clerk.
  3. Public Hearing and Time Limits - The City Council shall hold a public hearing and review all applications according to the procedure specified in Massachusetts General Law Chapter 40A Section 11.
  4. City Council Action - The decision of the City Council shall require a majority vote of the Council's members and be made, and written notice of the decision filed with the City Clerk within one hundred twenty (120) days of receipt of the Application by the City Clerk. This time may be extended by mutual agreement between the City Council and the Applicant by written agreement filed with the City Clerk. Failure of the City Council to take action within said one hundred twenty (120)

days or the extended time shall be deemed an approval of the Plan Approval application.

5. Criteria for Plan Approval - The City Council shall approve the Development Project upon all of the following findings:
  - a. The Applicant has submitted the required fees and information as set forth in the SGOD Regulations.
  - b. The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section, applicable Design Standards and the SGOD Regulations, or a waiver has been granted therefrom, and shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.
  - c. Any extraordinary adverse potential impacts of the Project on nearby properties are shown to be adequately mitigated.
  - d. Reasonable conditions may be incorporated into any Plan Approval decision to ensure substantial compliance with the SGOD only when the Project as submitted does not fully comply with the standards and criteria of the SGOD ordinance.
  
6. Criteria for Plan Denial - A Plan Approval application may be disapproved only where the City Council finds that:
  - a. The Applicant has not submitted the required fees and information as set forth in the SGOD Regulations; or
  - b. The Project as described in the application does not meet all the requirements and standards set forth in this Section, applicable Design Standards and the SGOD Regulations, or that a required waiver therefrom has not been granted; or
  - c. It is not possible to adequately mitigate extraordinary adverse Project impacts on nearby properties by means of suitable conditions.

12. Waivers - Upon request of the Applicant, the City Council may waive dimensional and other requirements, including Design Standards, with conditions, in the interests of design flexibility and overall Project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, and if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses and/or physical character allowed under this Section. Notwithstanding anything to the contrary in this Zoning Ordinance, the Affordable Housing provisions that comprise Section 30.1.7 shall not be waived without the express written approval of DHCD. The

City Council will also take into consideration the following items when considering a waiver:

1. High performance energy efficient buildings and construction methods.
2. Projects with publicly accessible open space.
3. A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.

13. Plan Changes After Approval by City Council

1. Minor Plan Changes - After Plan Approval, an Applicant may apply to make minor changes in a Development Project that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or Affordable Housing features. Such minor changes must be submitted to the City Council on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the City Council. The City Council may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The City Clerk shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.
2. Major Plan Changes - Those changes deemed by the City Council to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the City Council as a new application for Plan Approval pursuant to this Section.

14. Fair Housing Requirement - All Development Projects within the SGOD shall comply with applicable federal, state and local fair housing laws.

15. Project Phasing - The City Council may allow a Project to be phased at the request of the Applicant or to mitigate any extraordinary adverse impacts on nearby properties and provided that the submission shows the full build-out of the Project and all associated impacts as of the completion of the final phase and subject to approval of the City Council. For Projects that are approved and developed in phases, the proportion of Affordable units shall be no less than the minimum percentage required for the Project as a whole under Section 30.7.2. Any off-site mitigation requirements may be structured in phases to coordinate with the Project buildout.

16. Decisions - The City Council shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the City Clerk. If twenty (20) days have elapsed after the decision has been filed with the City Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, or if a plan is approved by reason of the failure of the City Council to timely act, the City Clerk shall so certify on a copy of the decision. A copy of said decision shall be filed with the Registry of Deeds.

A Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to adjudicate an appeal and which time shall be extended if the Project proponent is actively pursuing other required permits or there is other good cause for failure to commence.

The City Council may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the Applicant's control, for a period longer than one (1) year.

17. Date of Effect - The effective date of this ordinance shall be the date on which such adoption is voted upon by the Woburn City Council pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this Ordinance prior to the receipt of final approval of this Ordinance and accompanying Zoning Map by DHCD.

18. Severability - If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the City's Zoning Ordinance.

19. Design Standards - The City Council may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all Projects subject to Plan Approval by the City Council. Such Design Standards must be objective and not subjective and may not unreasonably impair development of proposed Projects in the SGOD. The City Council may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior Signs,

and buffering in relation to adjacent properties. DHCD may, at its discretion, require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

Before adopting any Design Standard, the City Council shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the City Clerk.

An application for Plan Approval that has been submitted to the City Clerk pursuant to this Section shall not be subject to any Design Standard that has not been approved by DHCD.

### 30.2 Establishment and Delineation of the Smart Growth Overlay Districts

#### 1. Woburn Mall Smart Growth Overlay District (WM-SGOD)

1. Establishment and Delineation of the WM-SGOD - The WM-SGOD is an overlay district that is superimposed over the Underlying District. The boundaries of the WM-SGOD are delineated as the "Woburn Mall Smart Growth Overlay District" on the Official Zoning Map of the City of Woburn on file in the office of the City Clerk, said map hereby made a part of the Woburn Zoning Ordinance, and which includes approximately 23.009 acres of land presently owned by Woburn (Edens) LLC as further described in the deed recorded at Book 69877, Page 572 as referenced in the City of Woburn Assessors records. Pursuant to 59.04(1)(d)(1), at least fifty-one (51%) of the gross floor area of the WM-SGOD shall be devoted to residential use.

The total gross floor area devoted to Non-residential uses within the WM-SGOD shall not exceed 49% of the total gross floor area of the Project.

2. Allowed and Prohibited Uses – The following uses shall be deemed to be prohibited:
  - a. The use of any Dwelling Unit as a Short Term Rental;
  - b. The subletting or rental of any Dwelling Unit designated as below market rate or income-restricted, that are subject to affordability covenants or that are otherwise subject to housing or rental assistance under local, State or Federal law;

- c. The subletting or rental of any Dwelling Unit subject to any requirement of local, State or Federal law that prohibits the leasing or subleasing of the unit as a Short Term Rental;
- d. All Drive Up Customer Service Facilities except Financial Institutions; and
- e. Any use not listed herein as an Allowed Use.

The following uses shall be deemed to be those permitted within the WM-SGOD:

Principal Uses	
Residential Uses	
Multi-Family Dwelling Unit	Permitted By-Right
Mixed-Use Residential	Permitted By-Right
Commercial Uses (All are permitted only as part of a Mixed Use Project)	
Office	Permitted By-Right
Retail Use	Permitted By-Right
Restaurant, Full Service	Permitted By-Right
Restaurant, Fast Casual	Permitted By-Right if no Drive Up Customer Service Facility
Consumer Services	Permitted By-Right
Supermarket	Permitted By-Right
Muscular Therapy	Permitted By-Right
Hotel	Permitted By-Right
Health Club/Fitness Center	Permitted By-Right
Bowling Alley and/or Billiards	Permitted By-Right
Child Care Facility	Permitted By-Right
Auditorium, theater or place of public assembly	Permitted By-Right
Financial Institution with Drive Up Customer Service Facility	Permitted by Special Permit Only
Financial Institution with no Drive Up Customer Service Facility	Permitted By-Right
Automated Teller Machine (ATM), Freestanding	Permitted By-Right
Rooftop Dining	Permitted by Right
Accessory Uses	
Tenant Recreational Facilities	Permitted By-Right
Home occupation	Permitted By-Right
Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking	Permitted By-Right
Accessory uses customarily incidental to any of the above permitted principal uses	Permitted By-Right

Rooftop Solar	Permitted By-Right
Essential Services	Permitted By-Right
Special Events – The use of the property for programmed special events which may include, but not limited to, community events, outdoor festivals and/or recreational uses. Acceptable documentation related to public safety requirements shall be provided to the Building Commissioner, Police Chief and Fire Chief related to public safety protocols.	Permitted By-Right

3. Dimensional and Other Requirements - Applications for Plan Approval shall be governed by this Section and the Design Standards for the WM-SGOD. All of the land within the WM-SGOD when used principally for a coordinated, integrated retail and/or commercial use and/or residential use shall be deemed one lot for dimensional and parking compliance requirements notwithstanding that the legal ownership in the land is divided by lease, in fee or otherwise, among two or more owners.

Dimensional Requirement	Maximum Building Height or Maximum Stories
Maximum Building Height (Multi-Family Dwelling Unit and Mixed-Use Residential)	85'8 Stories
Maximum Building Height/Commercial Uses	40'2 Stories
Maximum Building Height – Hotel	85'8 Stories
Maximum Building Height – Cinema with surface parking underneath the building).	65'2 Stories
Maximum Building Height - Cinema without parking underneath the building.	40'2 Stories
Minimum Lot Frontage	60'
Minimum Lot Area	12,000 sf
Minimum Front Setback (not applicable to structures for utilities and dumpsters)	10'
Minimum Side and Rear Setback (This does not apply to internal lot lines within the WM-SGOD)	10'
Interior Setback (between buildings on same lot)	20'
Minimum Useable Open Space	10%

4. Parking Ratios - The following minimum parking ratios shall apply to all respective uses within the WM-SGOD. Parking compliance shall be

based on the total parking within the WM-SGOD and not on a lot by lot basis.

USE	Number of Parking Spaces
All Permitted Commercial Uses	3.8/1,000 sf of Net Floor Area (For purposes of determining the associated floor area of outdoor seating/patio space and Rooftop Dining that is a component of a Full Service Restaurant or Fast Casual Restaurant only 25% of the Net Floor Area shall be attributed toward total parking requirements.
Residential Use/Multifamily Dwelling	1.5 spaces per unit (No additional parking spaces are required for leasing offices, mechanical or storage areas associated with the residential use.)
Mixed-Use Residential	1.5 spaces per residential unit. (No additional parking spaces are required for leasing offices, mechanical or storage areas associated with the residential use.)  0/ tenant recreational facilities.  1 space per 1,000 sf of Net Floor Area for all other permitted commercial uses.

5. Density Allowances/Multi-Family Residential – Subject to consistency the minimum residential densities for Multi-Family Residential use that must be allowed under the Governing Laws on land qualifying as Developable Land, as approved by DHCD, the maximum number of Multi-Family Residential units is capped at 350.
6. Age-Restricted Housing Units - Nothing in this Section 30 shall permit the imposition of restrictions on age upon Projects the WM-SGOD unless proposed or agreed to voluntarily by the Applicant. However, the Woburn City Council may, in its review of a submission under Section 30.1.7, allow a specific Project within the WM-SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which

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

## 7. Rooftop Dining

1. The rooftop dining area shall be associated with a Full-Service or Fast Casual Restaurant establishment doing business within the same building.
2. The floor immediately below the rooftop area must either be occupied by a non-residential use or a provision inserted into the deeds or lease/rental agreement for each dwelling unit disclosing the existence of and general details about the rooftop dining operation and conditions associated with it (i.e. authorized business hours, occupancy limit, noise, customary activity levels, etc.).
3. The preferred main access to the rooftop shall be from the interior space of the Full-Service or Fast-Casual Restaurant establishment doing business within the same building or from a common access stairway or elevator, provided an exterior access may be permitted upon demonstration of a de minimum impact on surrounding properties.
4. Use of the rooftop shall not occur unless the Full-Service or Fast-Casual Restaurant establishment doing business in the same building is also open;
5. Use of the rooftop shall not exceed the hours of operation for the Full-Service or Fast-Casual Restaurant establishment doing business within the same building.
6. Equipment and structures associated with an elevator providing access to the rooftop area, restroom facilities required by State Building Code, and any service areas, preparation stations or similar facilities associated with the rooftop dining use shall:
  - a. not exceed ten feet (10') in height. Equipment and structures associated with an elevator providing access to the rooftop area may be authorized as part of a Plan Review to exceed the height limitation in order to provide access to the rooftop dining to the extent reasonably necessary. The elevator and all equipment associated with the elevator shall be required to be enclosed (contained within the interior of the building as opposed to being

located outside the elevator shaft/enclosure). The height shall not exceed what is reasonably required to comply with the Building Code requirements and reasonably required to install the elevator as determined by the Building Commissioner.

- b. not to be included in the calculation of the Height of a Building or subject to the setback requirements;
  - c. not occupy more than fifteen percent (15%) of the gross area of the roof, except that for buildings that existed at the time of adoption of this Ordinance, the City Council may allow a greater percentage of roof coverage if it can be demonstrated that existing roof features require or justify such an increase. If the applicant can demonstrate that there is a pre-existing structure that applicant must design around and therefore requires applicant to exceed this limitation to provide adequate service and sanitary area, then the City Council may increase this percentage limitation; and
  - d. be properly locked and secured at the end of each business day.
7. Service areas, preparation stations and similar facilities shall be ancillary in nature as determined by the City Council and shall service the rooftop dining area only.
8. No food shall be stored on the rooftop except during the hours the rooftop dining area is in use. No alcohol shall be stored on the rooftop unless it is properly locked and secured at the end of each business day.
9. All lighting associated with rooftop dining area shall be designed to effectively eliminate glare, shall not be directed toward property lines and shall be turned off when the area is not in use.
10. Walls or railings to prevent patron encroachment within the setbacks as provided herein shall comply with applicable Massachusetts Building Code requirements and shall be set far enough back from the edge of the building to provide safe conditions for both restaurant employees, patrons and public, in the opinion of the City Council. These walls or railings shall, in concert with other structures and/or landscaping, provide a setback to prevent patron access from the edge of the building. At a minimum, the set back from the edge at the front of the building shall be ten (10) feet and the setback from the edge at the side and rear (if not abutting the wall of another building), shall be four

(4) feet. The side and rear setback from the edge of the building does not apply to the service and sanitary structures, if any.

11. Rooftop dining areas shall be kept free of trash, debris and food waste. All trash, debris, and food waste shall be properly stored while the rooftop dining area is in use and all trash, debris and food waste shall be removed from the rooftop entirely at the close of each business day.
12. Plan Review approval for rooftop dining shall be issued only to the applicant and shall not be transferrable without prior approval from the Woburn City Council.
13. The following restrictions shall apply:
  - a. Propane heaters, landscaping, ornamental trees or other permanent decorative items shall be shown on the plan of record.
  - b. Hot tubs shall not be allowed.
  - c. Decorations of any kind shall not extend farther than 8 feet above the rooftop.
  - e. Banners or signage shall not be allowed on or hanging over the rooftop.
  - e. Neon signs or signs advertising adult beverages shall not be allowed.
8. Permitted Signage - Signage permitted within the WM-SGOD shall be subject to the limitation of Section 30.1.8 of the SGOD. In addition, the following Tenant Signs shall be permitted in the WM-SGOD, subject to the following limitations:
  1. Pre-Existing Signage - Any pre-existing ground mounted or free standing signage which shall become non-conforming as a result of the WM-SGOD Ordinance may remain in its present condition or be rehabilitated (refaced, modified or relocated) subject to the approval of the City Council as part of the Plan Review. Any Sign to be relocated shall be within fifteen feet of its existing location and shall not impact vehicular sight distance.
  2. Permitted Signage - Each tenant or business operation shall be permitted up to five (5) Signs within the WM-SGOD. (Qualifying Wayfinding Signage shall be exempted from this limitation.):

- a. Wall Signs
- i. Primary Wall Sign - One Primary Wall Sign shall be permitted for each use or business within a structure. The total area of a Primary Wall Sign shall be no greater than twenty (20) percent of the facade of the first two stories of the structure. Where more than one tenant occupies the same structure, the permissible area of the Primary Wall Signs specified above may be divided among two or more tenants. For the purposes of this section, a structure shall be considered to have one (1) façade and that being the side of the structure containing the majority of the front entrances for each use or business within the structure.
  - ii. Secondary Wall Sign - One Secondary Wall Sign shall be permitted for each separate entrance into a use or business within a structure or frontage on a street or parking area, except that there shall be no more than two (2) Secondary Wall Signs for each use or business within a structure. Secondary Wall Signs may not be erected on the same wall containing the Primary Wall Sign. The area of all Secondary Wall Signs shall be no greater than one-half the area permissible for the Primary Wall Sign.
- b. Directory Signs - One Directory Sign shall be permitted at each entrance to a building or parking garage. The area of a Directory Sign shall be no greater than one (1) sq. ft. per occupant or tenant.
- c. Blade Signs - One Blade Sign shall be permitted for each tenant per façade with customer storefront. Sign area shall not exceed two (2) feet by two (2) feet (2'x2') or may be two (2) feet in diameter and project three feet from the building façade.
- d. Marquee Signs - One Marquee Sign shall be permitted for each use or business with a structure. Signs shall be attached to the sides or front of a Marquee and shall be seven (7') or more above the ground.
- e. Awning Signs - One (1) Awning Sign is permitted per ground floor use provided it is located on the valance of the awning that letters are in a maximum of one (1) line and are no larger than six (6) inches in height. Awnings will not exceed four (4) feet in height from the bottom of awning and will not project more than three (3) feet from the wall. Signage on valance of awning will not be included in

total calculation of Sign area. The minimum allowable height will be eight (8) feet from bottom of awning to ground.

- f. Free Standing Signs - Free Standing Signs which are affixed to the ground through a decorative base are to be permitted as follows (pole mounted Signs are prohibited):
  - i. Two (2), two-sided Free Standing Signs up to 30 feet in height with a maximum of 300 square feet of surface area per side is permitted in place of the existing pylon Sign located on Mishawum Road with a second Free Standing/Monument Sign of identical or near identical proportions and aesthetic permitted along Commerce Way.
  - ii. One lower-profile style Monument Sign (single or double sided), up to six (6) feet in height with a maximum of 120 square feet in surface area, is permitted at each vehicular entry from Mishawum Road and Commerce Way.
- g. Window Signs - One Window Sign shall be permitted for each use or business with a structure. Area shall not exceed ten (10) percent of the window in which it is located.
- h. Temporary Signs - Temporary Signs shall be permitted as follows:
  - i. Temporary Signs: One (1) Temporary Sign to identify a property or use during the period from the submission of a Sign application to the Building Commissioners to the decision, provided that in the event of an unfavorable decision such Temporary Sign shall be removed forthwith, and provided that the Temporary Sign conforms with all applicable dimensional regulations of this section. Such Signs shall not exceed in the aggregate thirty-two (32) square feet.
  - ii. Window Signs – Temporary Window Signs are only permitted during the interior build-out of a use or business, in which case the Window Sign may not cover more than 50% of the window in which it is located.
  - iii. Construction Signs: One (1) or more Signs on a site during the construction or alteration of a building identifying the building, owner, contractor, architects and/or engineers and the business to be conducted therein. Such Signs shall not exceed in the aggregate thirty-two (32) square feet and shall be removed within forty-eight (48) hours after completion of the construction or alteration.

- iv. Real Estate Signs: One (1) unlit Sign, not exceeding thirty-two (32) square feet advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the Sign is displayed. Such Signs shall be removed within forty-eight (48) hours after the sale, rental or lease. Any other Signs used in connection with the sale, rental or lease of a particular premises, including but not limited to "Open House" or "Now Leasing" special events or directory-type Signs, shall be of a carry-away design only, not affixed in any permanent manner and shall be in place for a duration of not greater than forty-eight (48) hours per week.
- v. Signs to be used for charitable or public purposes but which do not comply with the requirements of this ordinance may be authorized by the Building Commissioner for a period not to exceed thirty (30) days.
- vi. Temporary Banners - Non-illuminated temporary banner erected on private property during holiday periods and affixed to a bracket on a light pole for display of special events. These temporary banners may not advertise any product or business and are limited to a period of no more than sixty (60) days before and ten (10) days after the event. Banners may not exceed 3' x 2'.
- vii. Temporary "For Lease" Sign for Multi-Family Residential Building. Following the initial temporary occupancy of the Multi-Family Residential building for a period not to exceed 9 months, two (2) Temporary Signs which may indicate the Project name and/or lease contact information with an area not to exceed thirty-two square feet. Any extension of the timeline allowed for the use of said signage shall be submitted to the City Council for review and approval and shall not be granted for longer than a 6 month period.
- i. Sidewalk Sign or A-Frame Signs - Shall be permitted as follows: There shall be no more than one Sidewalk or A-frame Sign per storefront. Said Sign shall not exceed three (3) feet in height and a total of nine (9) square feet in area and shall have a weighed base to provide stability. Signs shall be located entirely on private property and within 15 feet of a public entrance to the associated tenant space. Said Sign may convey changeable messages through the use of re-writable surfaces, such as chalk boards or dry-erase boards. Paper Signs shall not be attached to an A-frame

Sign. An A-frame Sign may take on any design form and need not use a conventional “A-frame” or sandwich board design if all dimensional requirements are met. Said Signs shall only be displayed during hours of operation and must be stored indoors otherwise. All Sidewalk Signs or A-Frame Signs shall be moved indoors during inclement weather.

- j. Canopy Signs - One Canopy Sign shall be permitted for each use or business within a structure not to exceed an area equal to 25 percent of the face area of the canopy. A Canopy Sign may either be spindle-mounted to the roof of the canopy or mounted to the front fascia of the canopy. Canopy Signs shall not extend horizontally beyond the limits of the canopy. The fascia-mounted type must not extend vertically above or below the cross section of the canopy. Canopy Signs are limited to text and digits. Logos or graphics are not permitted.

(added 1/24/2019; scrivener's correction approved 3/5/2019)