

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 provide an opportunity for residential and mixed-use development within a distinctive, attractive and livable environment in the City of Woburn.
 2. To promote development and redevelopment in the City that is pedestrian friendly.
 3. 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.
 4. 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.
 5. To generate positive tax revenue for the City, and to benefit from the financial incentives provided by Massachusetts General Law Chapter 40R, while providing the opportunity for new business growth and additional local jobs.
 6. To promote efficient use of land and existing parking supply and limit expansion within the district by encouraging shared parking.
 7. 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 Enabling Laws or this Section, or as set forth in the City Council's Regulations for the SGOD ("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 Enabling Laws, the terms of the Enabling 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[s]), 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 30.6.1, to review and implement the affordability requirements affecting Projects under Section 30.1.6.

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

AFFORDABLE HOUSING: Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION: A deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 30.1.6.6 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 30.1.20 inclusive shall be considered an As-of-right Project.

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.

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 bank/financial institution, 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.

DEVELOPABLE LAND: Land excluding areas exceeding one-half (1/2) acre of contiguous land that are:

- a. Protected wetland resources under federal, state, or local laws;
- b. Rare species habitat designated under federal or state law, unless granted an exception consistent with requirements established by the Massachusetts Executive Office of Energy and Environmental Affairs and the Department of Fish and Game that all or part of such areas can accommodate development consistent with the proposed Smart Growth Zoning; or
- c. Characterized by steep slopes with an average gradient of at least fifteen percent (15%).

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, bank, 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: 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 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 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.

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

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.

FLOOR AREA, GROSS: The sum of all areas of a building, as measured from the exterior faces of the walls. It includes all floors of a building, basements, cellars, attics, penthouses, unenclosed and closed-in porches, 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, such as but not limited to heating, air conditioning, ventilation, mechanical and electrical equipment, elevator machinery, elevator shafts and stairwells.

FLOOR AREA, NET: The sum of all the floors of a building used for human occupancy, including basements, cellars and attics, used for such purpose, and as measured from the interior faces of the walls. It does not include cellars, basements, attics and unenclosed porches not used for human occupancy, 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 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".

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 intersection projected to receive (a) one hundred (100) or more additional vehicles during peak hour traffic over the No-Build condition due to the contribution of traffic generated by the proposed development or (b) an increase of five percent (5%) in projected daily or peak hour traffic over the No Build condition due to the contribution of traffic generated by 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 retail and/or office and multi-family uses (including Tenant Recreational Facilities) in one building or in separate buildings on one development lot.

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

RESTAURANT, FULL-SERVICE: Any building, room, space 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 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.

SCOPING MEETING: A meeting between the Applicant and City officials at which the boundaries and work tasks for a traffic study will 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: 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, adopted pursuant to Section 30.1.11

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.

SOLAR ACCESS: The access of a solar energy system to direct sunlight.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

- a. SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- b. SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
- c. SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
- d. SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
- e. SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

- f. SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- g. SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- h. SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- i. SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
- j. SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

SOLAR THERMAL SYSTEM: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

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 Enabling Laws, and shall be deemed to overlay the parcels as

shown on the Zoning Map of the City of Woburn, as amended. 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 this Article 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.

Development Projects proceeding under this Article shall be governed solely by the provisions of this Article and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and other overlay provisions elsewhere in this Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

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.

4. Off-Street Parking and Loading

- 1. Off-Street Parking - Off-street parking ratios shall be specified in each individual overlay district within the SGOD.
- 2. Off-Street Loading & Delivery – Each building shall be required to have at least one (1) loading space, which shall be equipped as follows:

Feature	Required Dimension(s)
Loading space	Min. 10’ wide by 35’ long
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 is permitted within a building setback.
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. Age or other 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; and
 - f. 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 30.4 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. Surface parking spaces for new construction shall be set back from any existing constructed public way by 10 feet. This requirement shall not apply to any internal lot lines.
- b. 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.
- c. 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.
- d. All loading facilities shall be designed with appropriate means of vehicular access and adequate maneuvering area, which maneuvering area must be provided entirely on the lot with immediate and direct ingress to the building to be served.
- e. 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.
- f. 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.
- g. All parking and loading areas shall be designed and constructed so as to provide proper drainage of the lot.

- h. 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.
- i. 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.

5. 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.

6. Affordable Housing

- 1. Affordable Units shall comply with the following requirements:
 - a. The monthly rent payment for an Affordable Rental Unit, including utilities 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, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.
 - 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 30.6.2. results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
4. Design and Construction - Affordable Units must be dispersed equitably and proportionately throughout a Development Project, including, where applicable, across all buildings, floors and unit types. Affordable 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 Units shall be finished housing units. All Affordable 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 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 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 Enabling Laws, and shall limit initial sale and resale 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 30.1.6 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 Enabling 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 may engage a Monitoring Agent to perform administration, monitoring and enforcement services regarding compliance of the Project with the Affordability Requirements under this Section 30.1.6. 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 Enabling 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 specify the schedule for construction in phases where applicable and scheduling of occupancy for both market rate and affordable units. Affordable units shall be constructed and occupied concurrently with market rate units and may be based on floors of a project where applicable.

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 affordability requirements. Nothing herein shall restrict the owner from acting as the Monitoring Agent subject to 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, 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.

7. Signage Regulations

1. **Permitted Signs**: In addition to the specific signage permitted within each SGOD Subdistrict, 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.

8. Solar Photovoltaic Installations

1. Purpose - The purpose of this ordinance is to promote the creation of new solar photovoltaic installations in accordance with M.G.L. c.40A, §9B and the Green Communities Act, M.G.L. c.25A, §10, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
2. Applicability - This ordinance applies to all solar energy systems and to physical modifications that materially alter the type, configuration, or size of these systems or related equipment. Roof mounted solar installations in all zoning districts, including municipal and school properties shall be a by right use not requiring a special permit or site plan review.
3. General Requirements for all Solar Photovoltaic Installations - The following requirements are common to all solar photovoltaic installations to be sited in designated locations.
 - a. Compliance with Laws, Ordinances and Regulations: The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and each component of the solar energy system that is regulated by the building code shall be performed by those that are authorized to do such work in the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation

shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.

- b. Permits and Inspections: No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.
- c. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.
- d. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of this Ordinance.
- e. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 30.11.2.2 of this Ordinance.

4. Use Regulations

- a. Uses Permitted as of Right
 - i. Roof-Mounted Solar Energy Systems
 - ii. Small-Scale Ground-Mounted Solar Energy Systems
- b. Uses Allowed through Site Plan Review
 - i. Medium-Scale Ground-Mounted Solar Energy Systems
 - ii. Large-Scale Ground-Mounted Solar Energy Systems
 - iii. Solar Carport/Canopy

5. Dimensional and Density Requirements

- a. Setbacks - For all ground-mounted solar photovoltaic installations the minimum front, side and rear setbacks shall be as follows:
 - i. Front Setback: 25 feet;
 - ii. Side Setback: 25 feet;
 - iii. Rear Setback: 25 feet.
- b. Maximum height - The height limit for all solar carports/canopies shall be twenty (20) feet and all other ground-mounted solar photovoltaic installations shall be fifteen (15) feet.
- c. All other yard, and space and height requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall be installed in front yards.

6. Appurtenant Structures - All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning yard, space, height and setback requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.
7. Solar Photovoltaic Installation Site Plan Review and Special Permit - For purposes of this Section, Site Plan Review shall be conducted by the City Council prior to the construction, installation or modification of certain Ground Mounted Solar Photovoltaic Installations as provided. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than six (6) months after the date of receipt of a complete application as determined by the City Council. For those projects that require a Special Permit, the City Council shall be the special permit granting authority and special permit procedures shall apply.
8. Application and Plan Requirements - A completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the City Council, along with the applicable fee. Upon receipt of an application, the City Council may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the City Council with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The City Council may direct the applicant to deposit funds with the City Auditor for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the City Council shall be refunded to the applicant.
9. Plans - All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
10. Required Documents - the Applicant shall provide the following documents:
 - a. A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the Applicant, as well as all co-applicants or property owners, if any; and
- viii. The name, contact information and signature of any agents representing the Applicant.

b. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;

c. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;

d. The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

e. Proof of liability insurance;

f. Description of financial surety that satisfies Section 30.10.12.3;

g. Proof that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement; and

- h. The Applicant and owner shall execute a Right of Entry Form for the benefit of the City, in a form to be approved by the City Solicitor, to permit entry and removal in the event of Abandonment as provided in Section 30.10.12.

11. Design Standards - In addition to the requirements of Section 30.8.3, all Ground Mounted Solar Photovoltaic Installations shall be constructed as follows:

- a. Lighting - Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution.
- b. Signage - Signs shall comply with Section 9 of this Ordinance. A sign consistent with Section 9 shall be required to identify the owner and provide a 24-hour emergency contact phone number shall be made visible from a right of way where the property has frontage. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- c. Utilities - Reasonable efforts, as determined by the City Council during site plan review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

12. Safety and Environmental Standards

- a. Emergency Services: The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale

- ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
- c. The approval of an application shall neither constitute the granting of an easement to sunlight over neighboring property nor a right to solar access.

13. Monitoring and Maintenance

- a. Solar Photovoltaic Installation Conditions - The solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- b. Modifications - All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the City Council.

14. Abandonment or Decommissioning

- a. Removal Requirements: Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 30.10.12.2 of this ordinance below shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
- i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b. Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without the

written consent of the City Council. If the owner or operator of a solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

- c. **Financial Surety:** Applicants proposing large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City Council, but in no event to exceed more than one hundred and twenty five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Applicant. Such surety will not be required for municipally- or state-owned facilities. The Applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which shall be reviewed and verified by the City Engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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 unless otherwise approved in writing by the fence viewer.
- 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 significant impacts on traffic and public utilities, and by requiring the

reasonable mitigation of those impacts. This Ordinance will ensure that Woburn's infrastructure is upgraded and maintained in a responsible manner consistent with State and Municipal Laws. This ordinance 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 - An application for development within the SGOD shall include a Development Impact Statement which shall be prepared by a qualified Massachusetts Registered Professional Engineer. The Development Impact Statement shall include a Traffic Study and a Utility Impact Assessment:
 - 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 shall meet 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, and the reasons for his/her opinion, which shall be provided to the Applicant prior to the Project submission and included with the Traffic Study.

The Traffic Study shall contain the following:

- i. Existing traffic conditions: Measurement and assessment of average and daily peak hour volumes, average and peak speeds, sight distances, accident data and Levels of Service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than twelve (12) months old at the date of the application, unless other data are specifically approved by the City Council with the recommendation(s) of the City Engineer.

- 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: Projected peak hour and daily traffic generated by the development 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, and projected post-development traffic volumes and Levels of Service (LOS) of intersections and roads likely to be affected by the proposed development.
 - iv. Traffic mitigation measures: Specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development 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. 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.
- 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 upon said infrastructure items, generated by the proposed Project, and identify measures necessary and sufficient to mitigate the impact caused by the additional demand.

Prior to preparing the utility impact assessment, the Applicant's Professional Engineer shall 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, and the reason(s) therefor, which shall be provided to the Applicant and included with the Utility Impact Assessment. 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 all City plans, completion of field inspections including hydrant pressure testing of water lines and, where necessary, video camera inspections of existing sewer lines. The assessment shall also include an up-to-date inventory of all utility infrastructure impacted by the Project; estimates of the existing capacity and percentage of capacity presently utilized; excess capacity if any; the estimated system inflow and infiltration; as well as the projected longevity of the existing system.
 - ii. Projected conditions: Projected usage for the design year of occupancy shall be provided, including estimated water usage, and sanitary and storm water outflows; estimated background growth of usage, together with the impacts of usage caused by other developments already approved in whole or in part by the City.
 - iii. Utility mitigation measures: Specific measures to be implemented by the Applicant to mitigate the impacts of the proposed development on the public water and sewer infrastructure, including increasing the capacity by the replacing and/or enlarging existing lines; inflow and infiltration improvements; 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 completed prior to the issuance of a final Certificate of Occupancy for the Project component.
- c. 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.

- d. Performance of Mitigation Measures - No building permit shall be issued to a Project until the work associated with the mitigation measures has been performed, or until surety has been established in a sum sufficient to ensure completion of said mitigation measures, in the form of a one hundred percent (100%) performance bond, irrevocable letter of credit, or escrow agreement (See Section 5.4). The sum of said surety shall be established by the City Council and the form and content shall be approved by the Woburn City Solicitor.
- e. Traffic Safety and Infrastructure Fund -
- i. At the mutual agreement of the Applicant and the City Council, in lieu of the Applicant performing all or part of the mitigation measures which have been made condition(s) of approval, the Applicant may make a contribution into the Traffic Safety and Infrastructure Fund (the “fund”) equal to the cost of the mitigation measures approved by the City Council.
 - ii. The said Traffic Safety and Infrastructure Fund has been established in the City Treasury and is kept separate and apart from other moneys by the City Treasurer. Any moneys in said Traffic Safety and Infrastructure Fund shall be expended only at the direction of the City Council, with the approval of the Mayor, for the purposes mentioned below. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. The fund shall be administered by the City Engineer of the City. In all matters, the City Engineer shall consult with and obtain recommendations and cost estimates from the Superintendent of Public Works or other appropriate department heads.
 - iii. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor, and shall be appropriated only for the purpose of maintaining and improving the public rights-of-

way, the water supply and distribution system, and the storm and sanitary sewer infrastructure of the city, which shall include traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks and other public improvements related to traffic safety, the installation or repair of wells for the supply of municipal water, water treatment facilities, water distribution lines, pump stations, reservoirs and other storage water facilities, metering facilities, and other water distribution facilities, and storm and sanitary sewer lines, treatment facilities, drainage and catch basins, or other sewerage facilities, and including new construction where needed. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of moneys from this fund. No moneys in this fund shall be used for any purpose not included or directly related to the purposes listed above.

- iv. The Applicant will be required to post an irrevocable letter of credit with the City for the cost of all required mitigation measures imposed as conditions of approval, as previously noted in Section 30.1.10.3.4. The amount of the letter of credit may be periodically reduced by the City Council as specific mitigation measures are completed.
- v. If the Applicant has not completed the required mitigation work before the issuance of a temporary or final occupancy permit for the applicable Project Component, the City shall complete the mitigation measures as much as is practical with funds obtained through the exercise of the letter of credit above.
- vi. If 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.
- vii. 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 Requirements - 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. In addition to the submission requirements of SGOD Regulations, an application for Plan Approval shall also include all of the following:

- 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.

All plans shall be prepared by certified architects or engineers as required by the Massachusetts Building Code and shall include all of the following:

- a. Conceptual Building plans: all levels including roof.
- b. Conceptual Building elevations: all sides including courtyards and interior lot elevations.
- c. Massing perspective sketches or renderings illustrating the key elements of the development proposal within its context.
- d. Proposed exterior lighting plan with photometric information.
- e. Proposed stormwater management plan with rainwater calculations in accordance with the City's Stormwater Management 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.

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 and CAD format. Said filing shall include any required forms provided by the City Council. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the City Council and the Monitoring Agent:

- a. Evidence that the Development Project complies with the cost and eligibility requirements of Section 30.1.6;
- b. Development Project plans that demonstrate compliance with the design and construction standards of Section 30.1.20;
- c. A draft form of Affordable Housing Restriction that satisfies the requirements of Section 30.1.6; and
- d. Review Fees: 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 Plan 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, if the Project is subject to Affordability requirements, 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 there from. Projects subject to Affordable Housing requirements 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 of Section 7(X)(h.) shall not be waived. 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 affordability 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 district as a whole. 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 and its sub-districts 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. 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** - Any use not listed herein as an Allowed Use is deemed prohibited.

Principal Uses	
Residential Uses	
Multi-Family Dwelling Unit	Permitted By-Right
Mixed-Use Residential	Permitted By-Right
Commercial Uses	
Office	Permitted By-Right
Retail Use	Permitted By-Right
Restaurant, Full Service	Permitted By-Right
Restaurant, Fast Casual	Permitted By-Right
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
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

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	15%

4. **Parking Ratio.**

The following minimum parking ratio shall apply to all 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
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

	<p>associated with the residential use.)</p> <p>0/ tenant recreational facilities.</p> <p>1 space per 1,000 sf of Net Floor Area for all other permitted commercial uses.</p>
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5. **Density Allowances/Multi-Family Residential** - The maximum Multi-Family Residential density shall be 20 units per acre of Developable Land for all lots and all buildings.

6. **Age-Restricted Housing Units** - Nothing in this Section 30 shall permit the imposition of restrictions on age upon all Projects throughout the entire WM-SGOD. However, the Woburn Housing Authority may, in its review of a submission under Section 30.6.3, 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. **Permitted Signage** - Signage permitted within the WM-SGOD shall be subject to the limitation of Section 30.1.7 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 principal 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):

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.

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 identification signs: One (1) temporary identification 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 grated 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.

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