



AGENDA PACKET

**REGULAR MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 24, 2025 7:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149**



AGENDA

REGULAR MEETING OF THE CITY COUNCIL MONDAY, FEBRUARY 24, 2025 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Regular Meeting of the City Council of 01/27/2025

Minutes of the Regular Meeting of the City Council of 02/10/2025

COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. C0061-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting the approval to accept and expend a donation totaling \$2,000.00 from Carlo and Stacy DeMaria for the Fire Victims Fund

2. C0063-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend a grant from the Urban Areas Security Initiative, in the amount of \$24,200 to the Everett Police Department to add new street cameras and replace old cameras

3. C0064-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting approval that the amount of \$1,500,000 be appropriated by borrowing for the Lead Service Replacement program

4. C0065-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting confirmation of the appointment of Kaylin Deschenes to the Everett Police Department

5. C0067-25 Ordinance/s/ Councilor Stephanie Martins, as President

An ordinance recodifying the City of Everett's Zoning Ordinance and corresponding Zoning Map

COMMITTEE REPORTS

6. C0057-25 Order/s/ Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

UNFINISHED BUSINESS

7. C0422-24 Resolution/s/ Councilor Wayne A. Matewsky, & The Entire City Council

That the City Council honor Rose LeCours with an appropriate portrait, as the first and longest serving woman on the City Council.

8. C0029-25 Resolution/s/ Councilor Wayne A. Matewsky

That the Police Traffic Division notify idling trucks in the area of the Premier Apartment Building that they are disturbing residents from the hours of 8PM to 6AM

9. C0034-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

That the Director of Health and Human Services and Interim Director of HR appear at the next meeting to provide a status on the efforts to hire new school nurses as funded in 2024

NEW BUSINESS

10. C0058-25 Resolution/s/ Councilor Wayne A. Matewsky

That the group or association called The Island End appear at the second meeting in March to discuss any plans or future development in the area

11. C0059-25 Resolution/s/ Councilor Wayne A. Matewsky, & The Entire City Council

That the Davis Development Corporation be invited to the second meeting in March to discuss thier future plans on the 98 acres site

12. C0062-25 Resolution/s/ Councilor Michael K. Marchese

That the city address the over abundance of commercial vehicles and the parked cars that have not moved in weeks

13. C0066-25 Resolution/s/ Councilor Stephanie Martins

That the administration consider providing equitable funding to support local organizations providing emergency assistance to residents

MAINTENANCE REQUESTS

A. Councilor

That the administration consider painting a temporary crosswalk across Fuller Street, at the intersection of Miller Street, until raised crosswalks are installed

B. Councilor

That a speed bump be placed on Tremont Street between Floyd Street and Everett Street

ADJOURNMENT

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(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

Michael J. Mangan

Legislative Aide
Everett City Council Office



MEETING MINUTES

REGULAR MEETING OF THE CITY COUNCIL MONDAY, JANUARY 27, 2025 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

Members Present

Guerline Alcy Jabouin, Anthony DiPierro, Holly Garcia, John Hanlon, Michael Marchese, Wayne Matewsky, Peter Pietrantonio, Katy Rogers, Stephanie Smith, Robert Van Campen, Stephanie Martins

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

1. **C0417-24** Ordinance/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Peter Pietrantonio, Councilor Holly D. Garcia, Councilor John F. Hanlon, Councilor Robert J, Van Campen

An ordinance amending SECTION 32B OF THE ZONING ORDINANCES:
INCLUSIONARY ZONING

Councilor Stephanie Martins called on Councilor Stephanie Smith, the sponsor, to explain the item. Councilor Smith stated they have been working with the planning department for almost a year to make affordable housing more affordable by bringing the Area Median Income (AMI) requirement down from 80% to 60%. This change is being made in two places in the ordinance. Peggy Serino, Paula Steritie and Mary Fortin all spoke in opposition of the petition, no one spoke in favor of the petition.

MOTION:	Enroll
MOVER:	Stephanie Smith
SECONDER:	Anthony DiPierro
RESULT:	Passed [6 TO 5]
AYES:	Garcia, Hanlon, Matewsky, Smith, Van Campen, Martins

NAYS: Alcy Jabouin, DiPierro, Marchese, Pietrantonio, Rogers
AWAY: Item Number {{item.number}}

PUBLIC PARTICIPATION

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Special Meeting of the City Council of 11/25/2024

The Minutes of the previous meetings were taken collectively and passed unanimously.

MOTION: Favorable Action
MOVER: Robert Van Campen
SECONDER: Anthony DiPierro
RESULT: **Passed [0 TO 0]**
AYES:
NAYS:
AWAY:

Minutes of the Regular Meeting of the City Council of 12/9/2024

MOTION: Favorable Action
MOVER: Robert Van Campen
SECONDER: Anthony DiPierro
RESULT: **Passed [0 TO 0]**
AYES:
NAYS:
AWAY:

Minutes of the Regular Meeting if the City Council of 12/23/2024

MOTION: Favorable Action
MOVER: Robert Van Campen
SECONDER: Anthony DiPierro
RESULT: **Passed [0 TO 0]**
AYES:
NAYS:
AWAY:

Minutes of the Organizational Meeting of the City Council of 01/06/2025

MOTION: Favorable Action
MOVER: Robert Van Campen
SECONDER: Anthony DiPierro
RESULT: **Passed [0 TO 0]**

COMMUNICATIONS FROM HIS HONOR THE MAYOR

2. **C0041-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation on the appointment of Karen Roebuck to the Library Board of Trustees for a term of three (3) years expiring January 31, 2028

Referred to the Legislative Affairs committee.

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

3. **C0042-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation on the appointment of Joanne Johnson to the Library Board of Trustees for a term of three (3) years expiring January 31, 2028

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

Referred to the Legislative Affairs committee.

4. **C0044-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting that the City Council vote, pursuant to MGL 268A, to designate the members of the Board of Assessors as special municipal employees. I am requesting this designation so that the City will have a qualified individual (Ron Keohan) acting as Interim Director of Assessing while the City seeks to fill the position with a permanent replacement.

Referred to the Legislative Affairs committee.

MOTION:	Refer	Item Number {{{item.number}}}
MOVER:	Robert Van Campen	
SECONDER:	Stephanie Smith	
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

5. **C0045-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend a donation from Greystar in the amount of \$43,103.44 for the purpose of purchasing and installing a Blue Bike station (one fifteen-unit Bicycle Station) at 85 Boston Street along with an equivalent of \$825.00 per month for monthly operation costs

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [8 TO 2]
AYES:	DiPierro, Hanlon, Marchese, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	Alcy Jabouin, Garcia
AWAY:	Matewsky

6. **C0046-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend a grant from the Department of Fire Service, Executive Office of Public Safety, in the amount of \$14,149.09 to purchase fire equipment, including thermal imagers

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	John Hanlon
RESULT:	Passed [10 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Matewsky

7. **C0047-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appropriate \$25,268.31 from General Fund Budgetary Fund Balance (Free Cash) to pay prior year departmental bills per the attached list

Referred to the Ways and Means committee.

MOTION:	Refer	Item Number {{item.number}}
MOVER:	Robert Van Campen	
SECONDER:	John Hanlon	
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

8. C0049-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appropriate \$5,457,773 from Budgetary Fund Balance (Free Cash) into the following funds: General Stabilization Fund - \$1,637,332, Other Post-Employment Benefits Liability Trust Fund – \$1,637,332, Capital Improvement Stabilization Fund – \$2,183,109

The clerk explained this is a normal routine matter that is done every year in accordance with city policy.

Councilor Smith explained that after free cash is certified, the City Council voted this year to use \$10 million to lower the tax rate. Half of what was left over goes into these three funds in the same percentages as has been done for at least the past 10 years - 30% to general stabilization, 30% to post-employment benefits, and 40% to capital improvement stabilization. She wanted to explain why this financial matter is not going to Ways and Means committee.

Councilor Van Campen asked if they could get the balances in those stabilization funds after these transfers are made. Councilor Smith said they don't have those numbers now but can request them from the administration, likely as part of the quarterly review in February.

MOTION:	Favorable Action
MOVER:	Stephanie Smith
SECONDER:	Anthony DiPierro
RESULT:	Passed [10 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese

PETITIONS AND LICENSES

9. C0038-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of lodging house license for Fenno's at 336 Broadway

MOTION:	Favorable Action	Item Number {{item.number}}
MOVER:	Robert Van Campen	
SECONDER:	John Hanlon	
RESULT:	Passed [11 TO 0]	
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins	
NAYS:		
AWAY:		

10. C0039-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a class two motor vehicle dealer license for Auto-Tech Pro at 146 Main Street

Items 10, 11 and 12 were taken collectively and passed unanimously.

MOTION:	Favorable Action	
MOVER:	Robert Van Campen	
SECONDER:	Anthony DiPierro	
RESULT:	Passed [11 TO 0]	
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins	
NAYS:		
AWAY:		

11. C0040-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a class two motor vehicle dealer license for Woodlawn Auto Sales at 3 Woodlawn Ave

MOTION:	Favorable Action	
MOVER:	Robert Van Campen	
SECONDER:	Anthony DiPierro	
RESULT:	Passed [11 TO 0]	
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins	
NAYS:		
AWAY:		

12. C0043-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a class two motor vehicle dealer license for Broadway Gas & Service Inc. at 356 Broadway

MOTION:	Favorable Action	
MOVER:	Robert Van Campen	
SECONDER:	Anthony DiPierro	

RESULT:	Passed [11 TO 0]	Item Number {{item.number}}
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins	
NAYS:		
AWAY:		

COMMITTEE REPORTS

13. C0259-24 Ordinance/s/ Councilor Katy L. Rogers

An ordinance pertaining to trees in the City of Everett

Councilor Rogers made a motion to postpone this item to the council meeting in March. She would like to include a meeting with Councilor Smith who has helped with the language of the piece, Colleen from ISD, Dave Flood, Jacob from the arborist department, and Aaron to make sure the intent of the ordinance is clear as written. The goal is to ensure city trees are replaced at a 1:1 ratio if removed for certain skilled developments. She doesn't want there to be any confusion about people having to plant a tree for things like bathroom renovations. She will defer to Councilor Smith as she helped with this.

MOTION:	Postpone
MOVER:	Katy Rogers
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

14. C0333-24 Ordinance/s/ Councilor Guerline Alcy Jabouin

An ordinance that the City Council consider voting to remove the TDM ordinance

In accordance with City Council Rule 46(C), the Clerk of Committees referred the item back to the City Council

MOTION:	Refer Back to Sponsor(s)
MOVER:	Guerline Alcy Jabouin
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

15. C0343-24 Resolution/s/ Councilor Guerline Alcy Jabouin

That the Everett City Council engage the State Auditor to review ~~item number~~ ~~item number~~ accounts, programs, activities and other public functions (in accordance with Mass General Law Part I, Title II, Chapter 11, Section 12)

In accordance with City Council Rule 46(C), the Clerk of Committees referred the item back to the City Council

Councilor Alcy Jabouin stated the order is in reference to inviting the State Auditor to conduct an audit. She said there have been a lot of issues, confusion, and things that don't look right going on in the city. She wrote a letter to the council members about this and asks them to vote with her to invite the State Auditor.

Councilor DiPierro said he did not receive the letter Councilor Alcy Jabouin mentioned. He asked if they know what the audit would cost, as he believes per state law the city has to pay when they invite the auditor to do an audit.

Councilor Alcy Jabouin said they can't say how much it will cost until they figure out which areas they want audited. The council and Mayor can suggest areas to audit.

Councilor Smith said one of her concerns was also the unknown cost. She doesn't think the council can send the request directly to the State Auditor, but rather has to refer it to the administration for the Mayor to take action.

The clerk confirmed that is correct based on his discussion with the State Auditor's office. The council needs to decide which specific department(s) to audit, not just a broad citywide audit. Then it needs sign-off from the Mayor for multiple reasons but primarily the financial cost as the council doesn't appropriate money without the Mayor. So it's a two-part process - the council decides where to audit and sends that to the Mayor to approve, then it goes to the Auditor from the Mayor if approved.

Councilor Alcy Jabouin said she will have the additional work ready by the next council meeting to state which departments she is looking to have audited.

MOTION:	Postpone
MOVER:	Wayne Matewsky
SECONDER:	Robert Van Campen
RESULT:	[0 TO 0]
AYES:	
NAYS:	
AWAY:	

16. C0025-25 Order/s/ Councilor Stephanie Martins, as President

An order to transfer \$35,000 from the Employee Injuries – Worker's Comp Account (01-944-2-5171) to the Human Resources Professional Services account to cover additional costs related to workers compensation

MOTION:	Postpone	Item Number {{item.number}}
MOVER:	Stephanie Smith	
SECONDER:	Robert Van Campen	
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

UNFINISHED BUSINESS

17. C0137-24 Ordinance/s/ Councilor Katy L. Rogers

An ordinance requiring all playing fields in Everett to use environmentally sustainable organic grass instead of artificial turf

MOTION:	Refer Back to Sponsor(s)
MOVER:	Katy Rogers
SECONDER:	Michael Marchese
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

Councilor Katy Rogers acknowledged the veto, saying she understands the sentiment despite councilors previously voting in favor. She said she will reintroduce the ordinance as a resolution to find a more balanced solution.

18. C0354-24 Resolution/s/ Councilor Robert J. Van Campen, Councilor Peter Pietrantonio, Councilor Guerline Alcy Jabouin & the Entire Membership of the City Council

That the Administration take immediate steps to improve the senior meals program, including potentially terminating the current contract and engaging a new vendor.

Councilor Stephanie Smith said she had asked for the item to be sent to the procurement officer to get information on the procurement process. The procurement officer responded, explaining the process, who was awarded the contract in recent months, and emphasized the need for documentation of complaints in order to reject a bidder and avoid potential lawsuits.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Stephanie Smith

SECONDER:	John Hanlon	Item Number {{item.number}}
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

19. C0411-24 Resolution/s/ Councilor Stephanie Martins, Councilor Robert J. Van Campen

That the Water Superintendent appear at the next meeting to clarify the purpose of the recent letters regarding lead that were sent to residents and the next steps

Water Superintendent Ernie Lariviere appeared and informed the Council that this letter was required by the state to be sent to all homes that either were known to have lead pipes or that may have lead pipes but aren't officially known. The city was obligated to send the letters to homeowners and tenants.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Stephanie Smith
SECONDER:	Robert Van Campen
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

20. C0416-24 Ordinance/s/ Councilor Stephanie V. Smith

An ordinance to amend live animal testing

MOTION:	Refer Back to Sponsor(s)
MOVER:	Stephanie Smith
SECONDER:	Michael Marchese
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

Councilor Smith spoke to the need to allow some animal testing until the time when the industry has completely went away from animal testing to other alternative methods. Councilors Rogers and Martins said that the city has already passed the ban and shouldn't take the ban away and that the city of Everett is animal friendly and this would show that we aren't animal friendly. Councilors debated the issue, worrying that a private entity like the Davis companies was trying to exert their influence over the Council though Councilor Smith stated the Davis companies is not the reason she proposed this animal testing amendment but to allow the option for any life science company to see that there is an option for some testing in Everett for Life sciences.

21. **C0441-24** Resolution/s/ Councilor Wayne A. Matewsky Item Number {{item.number}}

That the C.F.O. appear at the first regular meeting in January to explain why some residents water bills are not being credited when payed, as well as late charges also being occurred on some of these bills also.

Councilor Wayne Matewsky said he discussed the issue with Mr. Demas a few weeks ago. He said there is a problem with mail delivery in the city, with people mailing payments that are not received by the water department, resulting in late charges.

Mr. Demas told Councilor Matewsky that he spoke with the water billing company and they will send bills out earlier to try to correct the late charge issues and make sure bills are received on time.

Councilor Matewsky did a test, mailing letters from various post offices. He found inconsistencies, with some taking 2 days and others taking 4-5 days for delivery. He said people are contacting credit card companies about payments not being received.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Wayne Matewsky
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

22. **C0005-25** Resolution/s/ Councilor Katy L. Rogers, & Councilor Stephanie Martins

A resolution to implement a multi-lingual City of Everett app to enhance accessibility and communication

Councilor Katy Rogers said the reason for referring this to the administration was to get information on whether a recently launched app overlaps with this initiative or if this would be a more robust undertaking. She mentioned the Savita program that was introduced to them in Tampa as an example of a customizable multilingual app.

Councilor Rogers made a motion to invite Chief of Staff Erin Deveney to speak.

Regarding a more general multilingual app with common resident information, Ms. Deveney said the administration would suggest councilors share what features they would like to see. The administration could then explore options, pricing, and any procurement requirements. She reiterated the Mayor's commitment to using technology to help all residents.

Councilor Rogers said she could provide the administration information on the solutions she has looked at and would welcome other councilors' input.

MOTION:	Postpone
MOVER:	Katy Rogers
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

23. C0014-25 Resolution/s/ Councilor Holly D. Garcia

That the Addiction Recovery Resource Specialist Paul Guarino from the Everett Fire Department Roadmap to Recovery appears at our January 27th meeting to discuss his role and data for calls and placements

Paul Guarino, Addiction Recovery Resource Specialist with the Everett Fire Department, came forward. He explained his role, which was established in 2017 in response to a huge uptick in overdoses in the city in 2016. He follows up on every overdose incident that the fire department responds to within 24-48 hours to offer support and resources to the individuals and families. This includes offering training on administering Narcan, providing fentanyl test strips, and getting people into detox and sober homes.

In 2022, there were 40 overdose incidents in Everett, which is down 60-75% from the 180 incidents in 2017. Out of the 40 incidents, 27 were Everett residents. There were 4 fatal overdoses. Guarino helped get 24 people into detox and 17 into sober homes in 2022.

He is also working on prevention efforts, going into the schools with another city employee in recovery to educate students about the dangers of drugs, especially fentanyl. They have done Narcan training with students and teachers. The main issue they are seeing in the schools is vaping.

Guarino said a lot of the calls they are seeing now are more related to mental/behavioral health issues. He thinks the city should consider hiring a mental health clinician to follow up with the high number of people being transported for mental health evaluations, similar to positions some other communities have.

Councilors thanked Guarino for his hard work and for sharing his personal story of addiction and recovery. Several councilors indicated they get many constituent calls related to mental health and substance use issues and would like to further discuss how to expand services and support in this area.

MOTION:	Refer Back to Sponsor(s)	Item Number {{item.number}}
MOVER:	Holly Garcia	
SECONDER:	Wayne Matewsky	
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

24. C0018-25 Resolution/s/ Councilor Robert J. Van Campen

In the interest of public safety, that all parking restrictions be strictly enforced in the area of Linden, Webster, Church and Warren streets, particularly on Fridays, Saturdays and Sundays

Councilor Van Campen said he has seen dramatic improvement in parking enforcement in this area over the last couple weekends. There is a convergence of churches, traffic congestion and food pantries operating simultaneously, causing gridlock and safety issues.

He thanked Police Chief Strong, Sergeant Gaff, and Mr. Louongo for the short term efforts to address the safety problems. He said he will refer the item back to sponsor, but would like to refer it to those individuals and have them send a written communication outlining the long term plan for that neighborhood. It doesn't need to stay on the City Council calendar.

Refer item to Police Chief Strong, Sgt. Gaff, Mr. Louongo for written communication on long term plan

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

25. C0019-25 Resolution/s/ Councilor Robert J. Van Campen, & The Entire City Council

That the Administration - working collaboratively with the City Council and other community stakeholders - convene a task force to discuss and address issues of food insecurity in the City of Everett, including the safest and most efficient way to coordinate distribution

Councilor Van Campen thanked the administration for the response they received. He said food insecurity is a big issue in the community that is not going away, so they need to find a way to serve those most in need.

He thinks the purpose of the task force should be to find solutions for where the need is greatest and how to most efficiently distribute food, rather than the current process which seems somewhat haphazard. He hopes the task force can come up with real solutions for the community to address food insecurity.

He moved to refer the item back to sponsor, noting the communication asked the Council President to appoint certain council members to serve on the committee, which he will leave to the Council President.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

26. C0022-25 Resolution/s/ Councilor Robert J. Van Campen, Councilor Holly D. Garcia

That the administration provides an update on when community meetings will be held concerning the use of the former Everett High School and the former Pope John property

Referred to the administration to set up a date soon and to send a written communication to the sponsors about Pope John.

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Holly Garcia
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

NEW BUSINESS

27. C0027-25 Resolution/s/ Councilor Anthony DiPierro

A resolution requesting the CFO to appear before the Committee on Ways & Means to discuss the Hero Act; specifically the increased local flexibility for Veteran Tax Exemptions.

Councilor DiPierro provided background, explaining the HERO Act was signed into

law in the summer of 2024. It is a comprehensive veterans bill with over 30 provisions, including increased local flexibility for veterans property tax exemptions. The law allows municipalities to double property tax exemptions via local options and ties the annual abatement amount to inflation.

He made a motion to refer the item to the Committee on Ways and Means for a discussion with Mr. Demas and a member of the Board of Assessors if they see fit.

MOTION:	Refer
MOVER:	Stephanie Smith
SECONDER:	John Hanlon
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

28. C0028-25 Resolution/s/ Councilor Anthony DiPierro

A resolution requesting Chief Strong, or a designee, appear before the City Council to discuss what steps are being taken to ensure public safety concerns are addressed at any state run emergency shelter in Everett

Councilor Anthony DiPierro said they are all aware of the dangerous criminal activity that took place at an emergency shelter in neighboring Revere a few weeks ago. He would like Police Chief Strong or a designee to appear before the council at their next meeting to discuss measures being taken to ensure the safety of Everett residents in light of that incident.

To his knowledge, only the EnVision Hotel in Everett is being used as an emergency shelter, but that could be part of the discussion. He made a motion to invite Chief Strong or a designee to the next council meeting in February.

MOTION:	Postpone
MOVER:	Anthony DiPierro
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

29. C0029-25 Resolution/s/ Councilor Wayne A. Matewsky

That the Police Traffic Division notify idling trucks in the area of the Premier Apartment Building that they are disturbing residents from the hours of 8PM to 6AM

Councilor Wayne Matewsky said there is a new neighborhood on the parkway with

hundreds, maybe 1,000 apartments. Restaurant Depot has deliveries made by refrigerated trucks during the hours of 8 PM to 6 AM. Two new residents contacted him about the noise disturbance from the idling trucks.

He spent some time in the area and observed that the parking, landscaping, and fencing around Restaurant Depot is a mess. There are also four houses on East Elm Street that are impacted. He feels Restaurant Depot needs to understand that people are paying high rents and should not have to hear idling trailer trucks all night.

Councilor Matewsky made a motion to refer the item to Sergeant Gaff and Chief Strong, requesting a response by the second meeting in February.

MOTION:	Postpone
MOVER:	Wayne Matewsky
SECONDER:	Katy Rogers
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

30. C0030-25 Resolution/s/ Councilor Wayne A. Matewsky

That Fire Chief Joseph Hickey, and His Honor Mayor DeMaria appear with regard to the Jupiter lithium battery proposal and safety concerns

The matter had come before the council 3-4 months ago, but Councilor Matewsky did not fully understand the project at that time. He referenced a concerning newspaper article titled "Hazardous warning for Everett's lithium battery pack" and said he would provide copies to the other councilors.

The proposal involves an incredible 700 megawatts of giant lithium batteries on a 20-acre site. Councilor Matewsky wants the company to at least pay for a couple additional firefighters and contribute to a much-needed public safety building in that area.

He noted the close proximity to the city's LNG tanks and other residential developments. While he acknowledged the company's commitment to hire union workers for construction, he expected more from them.

MOTION:	Postpone
MOVER:	Wayne Matewsky
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

31. **C0031-25** Resolution/s/ Councilor Wayne A. Matewsky Item Number {{{item.number}}}

That the DCR enhance all crosswalks on the Revere Beach Parkway when painting this year

Councilor Wayne Matewsky noted there is a lot of foot traffic now on Revere Beach Parkway with the new apartments. He hopes the DCR will enhance the crosswalks to improve safety when they do their painting.

He made a motion to instruct the City Clerk to notify the DCR to enhance the crosswalks when they do their annual painting.

MOTION:	Refer
MOVER:	Wayne Matewsky
SECONDER:	Holly Garcia
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

32. **C0032-25** Resolution/s/ Councilor Peter Pietrantonio

That Fire Chief Joseph Hickey appear at the next regular city council meeting to see how his first couple of months are going

Councilor Peter Pietrantonio would like to invite Fire Chief Joseph Hickey to the next council meeting to discuss how his first 4-5 months have gone and see if he needs anything from the council. He made a motion to invite Chief Hickey to the next meeting.

MOTION:	Postpone
MOVER:	Peter Pietrantonio
SECONDER:	Michael Marchese
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

33. **C0033-25** Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Guerline Alcy Jabouin

That the CFO provide an update on the ARPA funds expiring in December and the disbursement to recipients

Councilor Stephanie Smith said at their December meeting, the CFO indicated that in order to meet guidelines, the ARPA funds would be distributed to the Planning

Department who would then disburse the money to subrecipients.
Item Number {{item.number}}

She made a motion to invite the CFO to the next meeting to provide an update on whether that process has started, and if so, to provide information on who has received funds and how much.

MOTION:	Postpone
MOVER:	Stephanie Smith
SECONDER:	John Hanlon
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

34. C0034-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

That the Director of Health and Human Services and Interim Director of HR appear at the next meeting to provide a status on the efforts to hire new school nurses as funded in 2024

Councilor Stephanie Smith said the topic of school nurse hiring is near and dear to her heart after discussions during the budget process. She believes there were eight vacancies at that time.

She is interested in getting an update on the status of filling those vacancies. She is still hearing that kids are not allowed to go on field trips due to the nursing shortage.

Councilor Smith made a motion to invite the Director of Health and Human Services and the Interim HR Director to the next meeting to provide an update and information on any other initiatives being taken to bring in additional school nurses.

MOTION:	Postpone
MOVER:	Stephanie Smith
SECONDER:	Robert Van Campen
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

35. C0035-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

That the CFO and Director of Planning provide information on whether the city was able to receive any funding from the state's Affordable Homes Act/Housing Bond Bill

Councilor Stephanie Smith thanked Councilor Stephanie Martins for driving this initiative. She explained there was \$5.16 billion allocated in the Affordable Housing Initiatives Act.

She would like to know if Everett has received any of those funds, and if the funds have been dispersed yet. If Everett has not received funding, she wants to know what the funds are for.

Councilor Smith made a motion to invite the CFO and Director of Planning to answer those questions at the next meeting

MOTION:	Postpone
MOVER:	Stephanie Smith
SECONDER:	John Hanlon
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

36. C0036-25 Resolution/s/ Councilor Katy L. Rogers

That the Everett City Council formally requests a detailed report from the appropriate departments, agencies, or representatives associated with the Kraft Soccer Stadium project, outlining:

1. The current status of the project, including approvals, permits, and progress.
2. Any obstacles or delays affecting the project timeline.
3. A projected timeline for the project's next phases and expected completion.
4. Any agreements, commitments, or obligations made between the City of Everett and the Kraft Group related to the project

Councilor Katy Rogers would like an update from the administration on any progress related to the Kraft stadium. It is a frequent topic in the media, and she anticipates many residents will ask about it as councilors go door-knocking again this campaign season.

She would like to understand the council's role in bringing a stadium to Everett and be able to convey to residents what might lie ahead. She made a motion to postpone the item to the first meeting in March.

MOTION:	Postpone
MOVER:	Katy Rogers
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	

37. C0037-25 Resolution/s/ Councilor Katy L. Rogers

That The City of Everett establish an Adopt-a-Tree Program

Councilor Katy Rogers said this resolution coincides with her other sustainability efforts related to trees. In speaking with Jerry from the DPW, he had a concept for an Adopt-a-Tree program that would allow residents to clean up and enhance their own tree pits.

She noted there is currently a misconception among residents that they are not allowed to touch the tree pits because they are city property. The goal is to change that perception and encourage people to keep the pits clean and perhaps plant flowers.

Councilor Rogers made a motion to refer the item to Jerry, City Arborist Jacob St. Louis, Matt Lattanzi.

MOTION:	Refer
MOVER:	Katy Rogers
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

38. C0048-25 Resolution/s/ Councilor Robert J. Van Campen, & The Entire City Council

That the Zoning Board of Appeals strictly enforce the requirements of General Laws Chapter 40A, Section 10 when considering and reviewing any request for a variance from the Everett Zoning Ordinance

Councilor Robert Van Campen said the two largest challenges facing the city are school overcrowding and runaway residential development. He attended the Zoning Board of Appeals hearing with Councilor Alcy Jabouin last week where there were two proposals in Ward 5 to significantly increase density by converting a two-family home to nine units and a single-family to six units.

He said these types of projects are constantly seen across the city, with houses being added to backyards, cars parking in front yards, and previously beautiful neighborhoods now congested and unsightly. These changes are made possible through the use of variances.

Councilor Van Campen clarified that in Massachusetts, variances should not be freely given. He is not criticizing the current ZBA but noted this has unfortunately been the culture in Everett for decades, leading to the issues seen today.

He is asking the ZBA to follow the law and make sure applicants meet the strict legal

criteria before granting any variances. The ZBA has an attorney present who should know the requirements. Item Number {{item.number}}

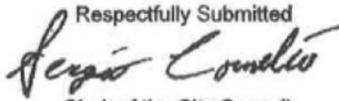
The intent is to have the ZBA help control development and property use issues that have created the current state of the city. Councilor Van Campen made a motion to refer the item to the ZBA. He offered to add the entire City Council as cosponsors to show their unified sentiment and said he did not need a response from the ZBA.

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

ADJOURNMENT

Meeting adjourned at 9:58 PM

MOTION:	Adjourn
MOVER:	Robert Van Campen
SECONDER:	Peter Pietrantonio
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

Respectfully Submitted

Clerk of the City Council



MEETING MINUTES

REGULAR MEETING OF THE CITY COUNCIL MONDAY, FEBRUARY 10, 2025 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

Members Present

Guerline Alcy Jabouin, Anthony DiPierro, Holly Garcia, John Hanlon, Michael Marchese, Wayne Matewsky, Peter Pietrantonio, Katy Rogers, Stephanie Smith, Robert Van Campen, Stephanie Martins

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Regular Meeting of the City Council of 01/13/2025

MOTION:	Accept Meeting Minutes
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. **C0050-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend donations totaling \$115.00 from

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [8 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese, Matewsky, Pietrantonio

PETITIONS AND LICENSES

2. C0051-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a lodging house license for 51 Cottage Street-BREC LHP LLC at 51 Cottage Street

Robert Van Campen moved to suspend the rules and take items 2 through 4 collectively, as they are all renewal of lodging house licenses.

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [8 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese, Matewsky, Pietrantonio

3. C0052-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a lodging house license for 450 Ferry Street-BREC LHP LLC at 450 Ferry Street

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [8 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese, Matewsky, Pietrantonio

4. C0053-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a lodging house license for 11-13 Ellsworth-BREC

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [8 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese, Matewsky, Pietrantonio

5. C0054-25 Petition/s/ Councilor Stephanie Martins, as President

A petition requesting the renewal of a class two motor vehicle dealer license for Stadium Auto Sales at 35 Everett Ave

MOTION:	Favorable Action
MOVER:	John Hanlon
SECONDER:	Robert Van Campen
RESULT:	Passed [8 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese, Matewsky, Pietrantonio

COMMITTEE REPORTS

6. C0027-25 Resolution/s/ Councilor Anthony DiPierro

A resolution requesting the CFO to appear before the Committee on Ways & Means to discuss the Hero Act; specifically the increased local flexibility for Veteran Tax Exemptions.

Robert Van Campen moved to accept the committee report and grant further time.

MOTION:	Accept Committee Report
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

7. C0047-25 Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appropriate \$25,268.31 from General Fund Budgetary Fund Balance (Free Cash) to pay prior year departmental bills per the

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [11 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	

8. **C0041-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation on the appointment of Karen Roebuck to the Library Board of Trustees for a term of three (3) years expiring January 31, 2028

Robert Van Campen moved to suspend the rules, take items 8 and 9 collectively as appointments to the Library Board of Trustees, accept the committee report and move favorable action.

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [11 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	

9. **C0042-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation on the appointment of Joanne Johnson to the Library Board of Trustees for a term of three (3) years expiring January 31, 2028

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [11 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	

10. **C0044-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting that the City Council vote, pursuant to MGL 268A, to designate the members of the Board of Assessors as special municipal employees. I

am requesting this designation so that the City will have a qualified individual (Ron Keohan) acting as Interim Director of Assessing while the City seeks to fill the position with a permanent replacement.

Stephanie Smith explained that the state requires the board to be designated, not just the individual position. The designation can be revoked at any time. The purpose is just to allow an interim director. The administration stated their intent is not to have others from the board apply for city jobs, and if that happens, the council can revoke the designation immediately as it would circumvent the intent. She noted this information came just before the meeting as the council explored all options.

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Anthony DiPierro
RESULT:	Passed [10 TO 1]
AYES:	DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	Alcy Jabouin
AWAY:	

Stephanie Smith explained that the state requires the board to be designated, not just the individual position. The designation can be revoked at any time. The purpose is just to allow an interim director. The administration stated their intent is not to have others from the board apply for city jobs, and if that happens, the council can revoke the designation immediately as it would circumvent the intent. She noted this information came just before the meeting as the council explored all options.

UNFINISHED BUSINESS

11. **C0255-24** Resolution/s/ Councilor Katy L. Rogers, Councilor Holly D. Garcia, Councilor Stephanie Martins

A resolution requesting that the City of Everett adopt a Textile Recycling Program

On Tuesday, February 4, 2025, Councilor Holly D, Garcia requested that this measure be returned to the City Council agenda for an update.

MOTION:	Refer Back to Sponsor(s)
MOVER:	
SECONDER:	
RESULT:	[0 TO 0]
AYES:	
NAYS:	
AWAY:	

MOTION:	Refer Back to Sponsor(s)
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MOVER: Item Number {{item.number}}
SECONDER:
RESULT: [0 TO 0]
AYES:
NAYS:
AWAY:

MOTION: Refer Back to Sponsor(s)
MOVER:
SECONDER:
RESULT: [0 TO 0]
AYES:
NAYS:
AWAY:

MOTION: Refer Back to Sponsor(s)
MOVER: Holly Garcia
SECONDER: Katy Rogers
RESULT: Passed [0 TO 0]
AYES:
NAYS:
AWAY:

Motion made and seconded to invite the Chief of Staff Erin Deveney to speak. She stated the administration balanced the interest in increasing recycling with concerns about improper dumping at bin locations. ISD has monitored the Gateway Mall bins placed by the property owner and is not aware of any complaints. Rather than the city procuring textile recycling services, the administration proposes an awareness campaign to direct residents to existing drop-off locations in and near Everett that are listed on the state's recycling website. This provides a community benefit without added city responsibility.

Katy Rogers appreciated the information and suggested an awareness campaign on social media. She asked for feedback on the results to potentially revisit the topic later and look into highly visible locations with existing cameras if needed.

Peter Pietrantonio recalled a company in Melrose offered free residential textile pickup and will look into that as another option.

12. C0343-24 Resolution/s/ Councilor Guerline Alcy Jabouin

That the Everett City Council engage the State Auditor's office for an audit of accounts, programs, activities and other public functions (in accordance with Mass General Law Part I, Title II, Chapter 11, Section 12)

MOTION:	Refer	Item Number {{item.number}}
MOVER:	Robert Van Campen	
SECONDER:	Anthony DiPierro	
RESULT:	Passed [0 TO 0]	
AYES:		
NAYS:		
AWAY:		

Guerline Alcy Jabouin stated at the last meeting, the council requested she return with departments to agree on for a state auditor's audit. She presented a list including Human Resources, Procurement Office, Finance Department, Mayor's Office, and Planning Board. She reminded the body they must vote to send it to the mayor tonight, not to committee.

DiPierro asked Demas to explain the city's current annual audit process by an independent firm. Demas stated the city uses one of the larger audit firms in the state at a cost of about \$65,000 per year. It covers the city's financials, federal and state compliance, the retirement board, federal funds, school activity funds, and the school end of year report.

DiPierro asked if Demas knew what the state auditor would charge. Demas did not know. DiPierro asked the Clerk if the council has authority to audit the Mayor's office specifically. Clerk stated there is separation of powers, so the council cannot directly audit the executive, but can make a request to the mayor who can approve all, part, or none of it.

Robert Van Campen clarified the annual audit is a financial statement audit of the city's finances to ensure proper presentation and compliance. He noted the departments Jabouin included seem to focus more on processes than just finances.

Peter Pietrantonio confirmed with Demas that requesting a state audit is allowable but uncommon in his experience.

The Clerk reminded that specific departments must be defined in the request as the state will not audit the entire city.

Stephanie Martins clarified the current motion is a resolution being sent to the mayor's office requesting action on a state audit of the listed departments (Human Resources, Procurement, Finance, ARPA funds, Mayor's Office, Planning) with any questions on that motion.

Michael Marchese asked if a timeline could be added, such as a week or two. Alcy Jabouin requested a response from the mayor within a month.

13. **C0417-24** Ordinance/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Peter Pietrantonio, Councilor Holly D. Garcia, Councilor John F. Hanlon, Councilor Robert J, Van Campen

An ordinance amending SECTION 32B OF THE ZONING ORDINANCES:
INCLUSIONARY ZONING

Stephanie Smith explained this ordinance amendment has been worked on with the Planning Department for about a year. It changes the affordability requirement for deed-restricted units in developments of 10+ units from 15% of units at 80% AMI to an option of 10% of units at 60% AMI. This provides more affordable rents for residents, ranging from \$567 to \$1579 in monthly savings compared to market rates. Affordability is dictated by the state based on the Boston metro area, not just Everett.

Katy Rogers sought clarification on preventing overall market rents from increasing to compensate for reduced affordable rents. Martins and Smith explained this helps drive rents down by setting a lower comparator, hurts developers' financing (which they have to make up elsewhere), and makes the affordable level perpetual for the building's existence. Rent control is not an option due to state law.

Matewsky struggled with the concept of affordability at the calculated rent levels. Smith emphasized any savings matters for those living paycheck to paycheck.

Guerline Alcy Jabouin stated this would be great if the city boards did not approve all development, but fears developers will skirt the requirement by building fewer than 10 units to charge higher rents. She cannot support this as currently proposed.

MOTION:	Ordain
MOVER:	Stephanie Smith
SECONDER:	Stephanie Martins
RESULT:	Passed [10 TO 1]
AYES:	DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	Alcy Jabouin
AWAY:	

14. **C0025-25** Order/s/ Councilor Stephanie Martins, as President

An order to transfer \$35,000 from the Employee Injuries – Worker’s Comp Account (01-944-2-5171) to the Human Resources Professional Services account to cover additional costs related to workers compensation

Due to the change in funding source, the original order failed 7-3. Stephanie Smith, as a member on the prevailing side, moved to reconsider the vote, which was seconded and passed. The Clerk re-read the order. Smith moved to amend the order to transfer \$35,000 from account 944-25171 (Workers Comp) to 152-25301 (HR Professional Services) rather than appropriate from free cash. The amendment was seconded and adopted. The amended order passed on a roll call vote 10-0.

MOTION:	Favorable Action
MOVER:	Robert Van Campen
SECONDER:	Holly Garcia
RESULT:	Passed [10 TO 0]
AYES:	Alcy Jabouin, DiPierro, Garcia, Hanlon, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
NAYS:	
AWAY:	Marchese

15. C0028-25 Resolution/s/ Councilor Anthony DiPierro

A resolution requesting Chief Strong, or a designee, appear before the City Council to discuss what steps are being taken to ensure public safety concerns are addressed at any state run emergency shelter in Everett

Chief Strong reported on a recent review conducted by two officers on the conditions and operations at the Envision Hotel homeless shelter. It is run by a state contractor with 24/7 private security, houses both US citizens and immigrant families, and conducts background checks with the state. There have been 60 total police calls since it began operating, mostly for medical issues and disturbances, which Strong characterized as routine. The state has indicated the shelter will likely close by August or year-end.

Responding to councilor questions, Strong noted criminal history from other countries would likely not show up on background checks. The police and security would respond to any major incidents. Wraparound services are provided to rehouse families when the shelter closes. Strong will keep the council updated on any closure date set.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Anthony DiPierro
SECONDER:	Robert Van Campen
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

16. C0030-25 Resolution/s/ Councilor Wayne A. Matewsky

That Fire Chief Joseph Hickey, and His Honor Mayor DeMaria appear with regard to the Jupiter lithium battery proposal and safety concerns

Matewsky expressed concerns about the proposed Jupiter Lithium Battery facility, encompassing 20 acres of a 198-acre site purchased by the Davis Company. He

worries about potential hazards given the site's proximity to LNG tanks and lack of alternative development like an Assembly Square style mixed-use project. He asked Chief Hickey's professional opinion on the proposal and any public safety requirements.

Chief Hickey stated the proposed 700-megawatt output is one of the largest in the country for this type of facility, which is a concern. The split layout divided by a road presents challenges for emergency response and evacuation. Lithium battery fires cannot be easily extinguished, needing to burn out on their own which could release hazardous fumes - letting a major fire burn in an urban area is problematic. Everett has dealt with industrial hazards for decades and this feels like history repeating just with new technology. Hickey has openly expressed his reservations to the developers about the size, output and location. He is unaware of any comparably sized projects in other urban settings.

Katy Rogers noted Everett's fire stations are significantly older and smaller than surrounding communities. She believes the city needs a 4th station, especially with the casino and other development, as call volumes have increased from around 1000 to over 10,000 annually while still operating with 1940s era infrastructure. Hickey agreed a new station is needed regardless of the battery project.

Robert Van Campen asked where the city stood in the approval process and if there was still opportunity for local input. Chief of Staff Erin Devaney explained the state Energy Facilities Siting Board can override local control. The Mayor has written to state authorities objecting to the process and asking for more consideration of local concerns. He believes a project of this size and type is inappropriate for the location and could deter other desirable waterfront redevelopment. If the state does approve, the city will still negotiate mitigation requirements but the administration cannot unilaterally stop the project. Van Campen expressed frustration at the lack of communication to the council about the mayor's opposition before the council was asked to grant local approvals.

John Hanlon felt the council was misled by the initial presentation describing a much smaller facility. He asked about the human health impacts of fumes from a catastrophic fire. Hickey said it would depend on the size of the fire and there are many variables. Modeling a worst case scenario is difficult. Hanlon stressed the need for a comprehensive evacuation plan designating routes, safety equipment and procedures. Hickey agreed the location and limited evacuation routes are a major concern.

Anthony DiPierro said the economic benefits promoted initially sounded good but safety has to be the top priority. He expressed concern about the state overriding local control and wants to avoid a situation like Encore where a surrounding community agreement was not negotiated. He urged getting clear commitments from the developer if the project does move forward despite concerns.

The amended motion to refer the resolution to the mayor and send letters to the legislative delegation and federal officials passed unanimously.

MOTION:	Refer
MOVER:	Wayne Matewsky
SECONDER:	John Hanlon
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

17. C0032-25 Resolution/s/ Councilor Peter Pietrantonio

That Fire Chief Joseph Hickey appear at the next regular city council meeting to see how his first couple of months are going

Chief Hickey appeared and stated his first few months have been good, a lot of work to be done but the department is running well and he is happy to be in the position.

MOTION:	Refer Back to Sponsor(s)
MOVER:	Peter Pietrantonio
SECONDER:	Robert Van Campen
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

18. C0033-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Guerline Alcy Jabouin

That the CFO provide an update on the ARPA funds expiring in December and the disbursement to recipients

MOTION:	Postpone
MOVER:	Stephanie Martins
SECONDER:	Holly Garcia
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

CFO Demas stated no ARPA funds expired as of 12/31/24, all were obligated via interdepartmental MOUs as allowed by federal law. Multiple city departments have assisted with managing ARPA including the Department of Diversity, Equity and Inclusion (DEI), HR, Mayor's Office along with outside consultants.

25 out of 34 nonprofit applicants are being awarded ARPA funds. Demas will provide

a list to the council. He noted application deadlines were extended several times to accommodate smaller organizations. A community outreach RFP will be issued separately for small business assistance.

Award notifications have gone out and contracts are being prepared and executed, after which funds will be dispersed. The Mayor's office used an ARPA advisory committee including community members and organizations to evaluate applications. Applicant organizations did not score applications in categories they applied for.

Demas will report back on outreach plans by the Chamber of Commerce to businesses, including those who are not Chamber members.

Martins moved to postpone the resolution to the last council meeting in March (3/24/25) for an update on the Chamber's small business ARPA program.

19. C0034-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

That the Director of Health and Human Services and Interim Director of HR appear at the next meeting to provide a status on the efforts to hire new school nurses as funded in 2024

MOTION:	Postpone
MOVER:	Robert Van Campen
SECONDER:	Katy Rogers
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

20. C0035-25 Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

That the CFO and Director of Planning provide information on whether the city was able to receive any funding from the state's Affordable Homes Act/Housing Bond Bill

Planning Director Matt Lattanzi explained the state's economic development bill including the Affordable Housing Trust Fund contains several categories of funding that will become available via competitive application to municipalities, public housing authorities, nonprofits and in some cases directly to residents. The city has not applied yet as the programs are still being set up, but will likely seek funds for deeply affordable housing development. One key provision is a large increase in state low-income housing tax credits which could help advance local projects like St. Theresa's and 25 Garvey St that rely on those credits.

Van Campen asked how residents will be notified of any direct assistance programs available to them. Lattanzi said there is no definitive outreach plan yet but likely social media, flyers, word of mouth and working with the Planning Department as they do for

MOTION:	Refer Back to Sponsor(s)
MOVER:	Robert Van Campen
SECONDER:	Holly Garcia
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

NEW BUSINESS

21. C0055-25 Ordinance/s/ Councilor Robert J. Van Campen, & the entire city council

An ordinance regulating the demolition of historical structures in the City of Everett

Robert Van Campen stated the intent of this ordinance is to preserve historic structures and neighborhood character in the face of rapid redevelopment, particularly "two-families to nine-families" conversions. He moved to amend the ordinance to name the entire City Council as co-sponsors, which Holly Garcia seconded and was approved unanimously.

Van Campen then moved to refer the ordinance to the Committee on Legislative Affairs and Elections, and invite the City Solicitor, Inspectional Services Director, City Clerk, Historical Commission members, a Board of Assessors representative and City Planner Matt Lattanzi to attend.

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

22. C0056-25 Resolution/s/ Councilor Michael K. Marchese, Councilor Robert J. Van Campen

That a veterans square be dedicated at the intersection of Main Street & Woodville Street, in the name of Corporal Salvatore F. Sachetta, who served in the U.S. Army during the Korean Conflict, and was a former member & President of the Everett Board of Alderman, as well as member of the new Everett City Council.

Robert Van Campen noted in addition to Sachetta's decades of service to the city as

a councilor and alderman, he was a decorated veteran of the Korean War. Dedicating a square is a fitting honor for his memory. Van Campen moved to refer the resolution to the Director of Veteran Services for action.

Item Number (item number)

MOTION:	Refer
MOVER:	Robert Van Campen
SECONDER:	Holly Garcia
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

23. C0057-25 Order/s/ Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

Stephanie Smith stated this order is a routine update to Council rules and procedures regarding city council travel expenses and use of city credit cards to optimize benefits.

Refer order to Committee on Legislative Affairs & Elections.

MOTION:	Refer
MOVER:	Stephanie Smith
SECONDER:	Robert Van Campen
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	

ADJOURNMENT

Meeting adjourned at 10:21 PM

MOTION:	Adjourn
MOVER:	Katy Rogers
SECONDER:	Stephanie Smith
RESULT:	Passed [0 TO 0]
AYES:	
NAYS:	
AWAY:	



C0061-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

An order requesting approval to accept and expend a donation totaling \$2,000.00 from Carlo and Stacy DeMaria for the Fire Victims Fund

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 18, 2025

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a donation totaling \$2,000.00 from Carlo and Stacy DeMaria for the Fire Victims Fund.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 18, 2025
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Stephanie Martins, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a donation totaling \$2,000.00 from Carlo
and Stacy DeMaria for the Fire Victims Fund.



C0063-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

An order requesting approval to accept and expend a grant from the Urban Areas Security Initiative, in the amount of \$24,200 to the Everett Police Department to add new street cameras and replace old cameras

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 19, 2025

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a grant from the Urban Areas Security Initiative, in the amount of \$24,200 to the Everett Police Department to add new street cameras and replace old cameras.

Thank you for your favorable consideration.

Respectfully submitted,

Carlo DeMaria
Mayor



February 19, 2025
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Stephanie Martins, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Urban Areas Security Initiative, in the amount of \$24,200 to the Everett Police Department to add new street cameras and replace old cameras.



C0064-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

An order requesting approval that \$1,500,000 be appropriated by borrowing for the Lead Service program

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 19, 2025

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby request the amount of **\$1,500,000** be appropriated by borrowing for the Lead Service program.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 19, 2025
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Stephanie Martins, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

That One Million Five Hundred Thousand Dollars (\$ 1,500,000.00) is appropriated for the purpose of replacing lead service lines requiring replacement and addressing service lines of unknown materials in various locations throughout the City eligible for financial assistance through the Massachusetts Water Resource Authority's Lead Replacement Program, including the payment of any and all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8, of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (the "MWRA") pursuant to the MWRA's local water system assistance program and, in connection therewith, to enter into a loan agreement and/or financial assistance agreement with the MWRA and otherwise to contract with the MWRA with respect to such loan and for any grants or aid available for the project or for the financing thereof; and that the Mayor is authorized to accept and expend any grants or aid available for the project or for the financing thereof, provided that the amount of the authorized borrowing for the project shall be reduced by the amount of any such grants or aid received.



C0065-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

An order requesting approval on the appointment of Kaylin Deschenes to the Everett Police Department

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 19, 2025

The Honorable City Council
Everett City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby submit for your confirmation, an order to appoint Kaylin Deschenes to the Everett Police Department:

Thank you for your favorable consideration of this matter.

Respectfully submitted,

Carlo DeMaria
Mayor



February 19, 2025
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Stephanie Martins, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

I hereby submit for your approval the appointment of Kaylin
Deschenes to the Everett Police Department.



C0067-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

The recodification of the City of Everett's Zoning Ordinance and corresponding Zoning Map

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 19, 2025

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

Please find attached an amendment to recodify the City of Everett's Zoning Ordinance and corresponding Zoning Map.

This Zoning Recodification would have the effect of replacing, in its entirety, the existing Zoning Ordinance for the City of Everett with the newly proposed Zoning Ordinance. The updated Zoning Map, which accompanies this Zoning Recodification and would replace the existing Zoning Map, establishes the new and updated Zoning Districts throughout the City.

Thank you for your favorable consideration.

Respectfully submitted,

Carlo DeMaria
Mayor



February 19, 2025
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Stephanie Martins, as President

Bill Number:
Bill Type: Order

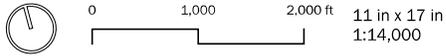
Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

To amend the City of Everett Zoning Ordinance, striking the existing language and replacing it with a re-codified, updated Zoning Ordinance. This updated Zoning Ordinance is accompanied by an updated Zoning Map, reflective of the new and revised Zoning Districts laid out in the Zoning Ordinance.

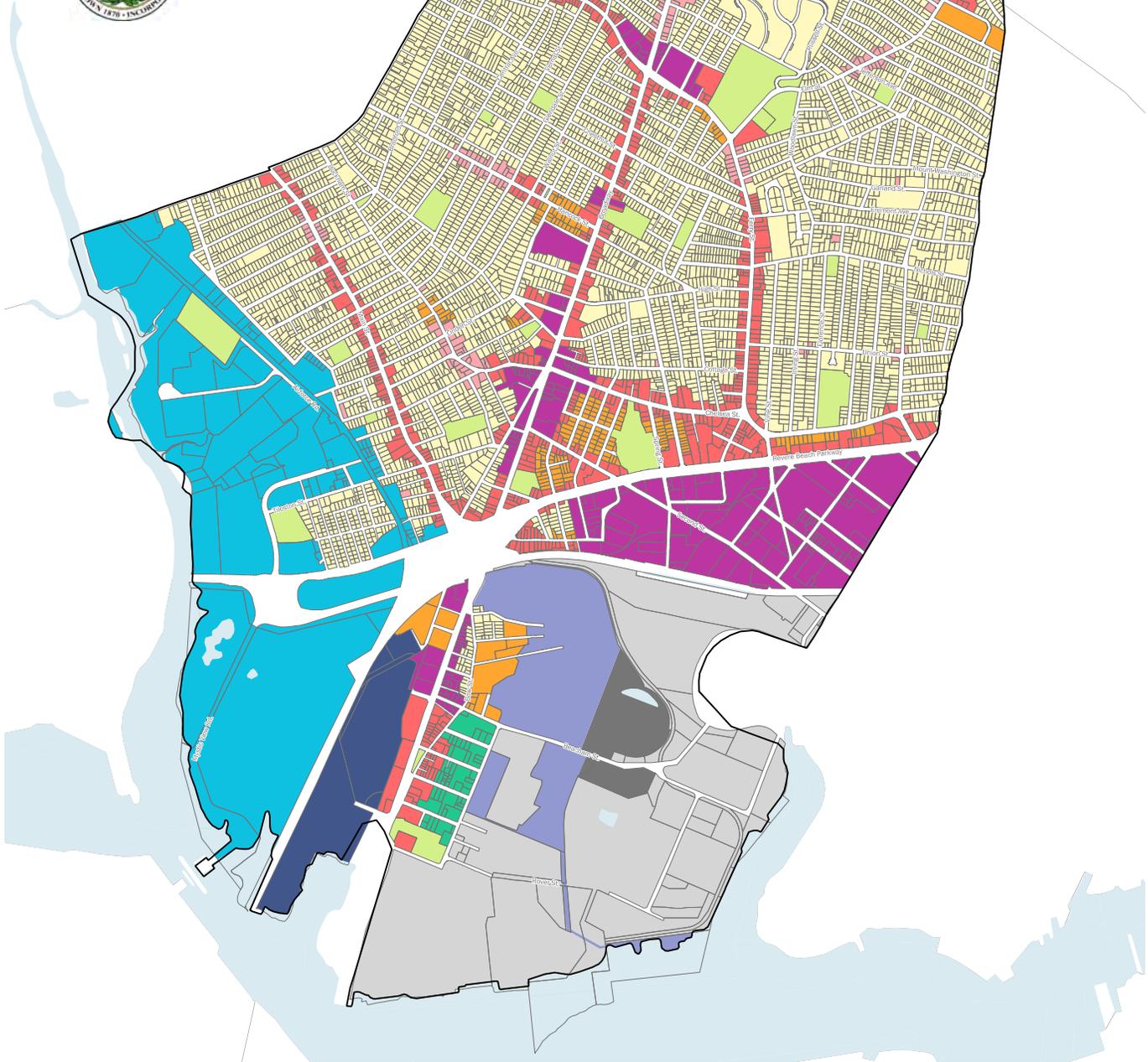
City of Everett Massachusetts **DRAFT**
ZONING MAP

Item Number 5

As of February 19, 2025
 Map by: CommunityScale



The information contained in this map is compiled from multiple sources and is believed to be accurate but accuracy is not guaranteed. This map does not replace information obtained by consulting the information's official source or originating City department. In no event shall the City of Everett, Massachusetts be liable for any damages, direct or consequential, from the use of the information contained in this map.



COMMERCIAL AND MIXED-USE DISTRICTS

- B1 - Neighborhood Business
- B2 - Business
- MU - Mixed Use
- MW - Mixed Use Waterfront
- RF - River Front
- ED - Employment
- DI-A - Docklands Innovation A
- DI-B - Docklands Innovation B

RESIDENTIAL DISTRICTS

- R1 - Neighborhood Residential
- R2 - Residential

OPEN SPACE DISTRICT

- OS - Open Space

INDUSTRIAL DISTRICT

- ID - Industrial

OVERLAY

- O-RC - Overlay Resort Casino



C0057-25

To: Mayor and City Council

From: Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

Date: February 10, 2025

Agenda Item:

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

Background and Explanation:

Attachments:



CITY COUNCILNo. C0057-25

IN THE YEAR TWO THOUSAND AND TWENTY-FIVE

AN ORDER AMENDING THE EVERETT CITY COUNCIL RULE REGARDING PRE-PLANNED EXPENSES FOR TRAVEL AND CONFERENCE FEES

/s/Councilors Stephanie V. Smith, Robert J. Van Campen and Stephanie Martins

Whereas: The purpose of City Council Rules is to document the accepted practices and clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council’s business.

Whereas: City Council Rules should be updated whenever better practices are identified.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts by its City Charter to adopt rules regulating its procedures:

Be it Ordered by the City Council of the City of Everett, Massachusetts that Rule 54 of the Rules of the Everett City Council of Everett be amended as follows:

Subsection D.5 of Rule 54 is hereby amended by deleting the current text of the subsection in its entirety and replacing it with a new version of the subsection text as follows:

5. Whenever possible, reservations for pre-planned expenses for travel and conference fees for city council members that are to be paid from funds appropriated for city council expenses shall be made by a member of the city council office staff using a city credit card.
 - a. The associated charges shall be applied to the same line item used to reimburse members for their personal actual and necessary expenses;
 - b. The council staff member who made the reservations shall submit expense reports as necessary for such expenses;
 - c. Such expense reports may contain expenses attributed to one or more members; but such reports shall clearly delineate the expenses attributed to each member; and.
 - d. For members of the city council staff who have pre-planned expenses for travel and conference fees, the same process shall be followed but the associated charges shall be applied to the department’s professional development line item.

This act shall take effect upon its passage.



A true copy attest

A handwritten signature in black ink that reads "Sergio Cornelio". The signature is written in a cursive style with a prominent initial "S" and a long, sweeping underline.

Sergio Cornelio, City Clerk



C0422-24

To: Mayor and City Council

From: Councilor Wayne A. Matewsky

Date: December 23, 2024

Agenda Item:

That the City Council honor Rose LeCours with an appropriate portrait, as the first and longest serving woman on the City Council.

Background and Explanation:

Attachments:



C0029-25

To: Mayor and City Council

From: Councilor Wayne A. Matewsky

Date: January 27, 2025

Agenda Item:

That the Police Traffic Division notify idling trucks in the area of the Premier Apartment Building that they are disturbing residents from the hours of 8PM to 6AM

Background and Explanation:

Attachments:

From: [Chief Paul Strong](#)
To: [Michael Mangan](#)
Cc: [Wayne Matewsky](#)
Subject: Pioneer Apartments COO29-25
Date: Thursday, February 6, 2025 9:20:17 AM

Hi Mike,

I left a voice mail for Wayne. I believe he meant the Pioneer Apartments next to the restaurant depot with the trucks running. Sgt. Gaff went and told the drivers that they can't run the refrigeration units next to the apartment building. He will also talk to the management of restaurant depot to give the drivers a heads up that they can't run the units near the apartment buildings.

Respectfully,

Chief Paul D. Strong
Everett Police Department
45 Elm Street
Everett Ma 02149
617-394-2365



C0034-25

To: Mayor and City Council

From: Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Robert J. Van Campen

Date: January 27, 2025

Agenda Item:

That the Director of Health and Human Services and Interim Director of HR appear at the next meeting to provide a status on the efforts to hire new school nurses as funded in 2024

Background and Explanation:

Attachments:



C0058-25

To: Mayor and City Council

From: Councilor Wayne A. Matewsky

Date: February 24, 2025

Agenda Item:

That the group or association called The Island End appear to discuss any plans or future development in the area

Background and Explanation:

Attachments:



C0059-25

To: Mayor and City Council

From: Councilor Wayne A. Matewsky

Date: February 24, 2025

Agenda Item:

That the Davis Development Corporation be invited to the second meeting in March to discuss there future plans on the 98 acres site

Background and Explanation:

Attachments:



C0062-25

To: Mayor and City Council
From: Councilor Michael K. Marchese
Date: February 24, 2025

Agenda Item:

The that city address the over abundance of commercial vehicles and the parked cars they have not moved in weeks

Background and Explanation:

Attachments:



C0066-25

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 24, 2025

Agenda Item:

That the administration consider providing equitable funding to support local organizations providing emergency assistance to residents

Background and Explanation:

Attachments:

Chapter Z

Zoning

Section 1. Purpose and authority

A. Purpose

The Everett Zoning Ordinance ("this chapter" or "the Zoning Ordinance") has been enacted to promote the health, safety, morals, convenience and general welfare of its inhabitants, to lessen the danger from fire, congestion, and confusion, and to improve and beautify the City. To further these purposes, the use, construction, and alteration of buildings or structures and the use of premises in the City are hereby restricted and regulated as hereinafter provided.

B. Authority

This chapter is enacted in accordance with the provisions of the M.G.L. c. 40A, and any and all amendments thereto, and Section 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

C. Scope

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the City, shall be in conformity with the provisions of this chapter. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this chapter imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this chapter shall control.

D. Applicability

1. This chapter is a further amendment of the Everett Zoning Ordinance and zoning map, as amended, and shall be construed to be a continuation of the regulations contained therein, regardless of changes in wording or arrangement, except insofar as amendments constitute changes in meaning. In the event of a discrepancy in meaning as between the Ordinance as originally adopted, and later amendments, the meaning in the most recent amendment shall exclusively prevail.
2. Municipal land, uses and structures shall be exempt from the requirements of this Ordinance.

E. Amendments

The City Council may from time to time, after publishing notice and hearing, amend, supplement or change this chapter as provided by statute.

F. Severability

Should any section or provision of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, it is the intention that such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 2. Districts

A. Establishment

For the purpose of this Zoning Ordinance, the City is divided into the zoning districts set forth below:

OPEN SPACE DISTRICT

Open Space	OS
------------	----

RESIDENTIAL DISTRICTS

Neighborhood residential	R1
--------------------------	----

Residential	R2
-------------	----

COMMERCIAL AND MIXED USE DISTRICTS

Neighborhood Business	B1
-----------------------	----

Business	B2
----------	----

Mixed Use	MU
-----------	----

Mixed Use Waterfront	MW
----------------------	----

River Front	RF
-------------	----

Docklands Innovation	DI
----------------------	----

Employment	ED
------------	----

INDUSTRIAL DISTRICTS

Industrial District	ID
---------------------	----

B. Overlay districts

In addition, the following overlay districts are also hereby established in the Special Districts Regulations section:

Overlay Flood Hazard	O-FH
----------------------	------

Overlay Resort Casino	O-RC
-----------------------	------

C. Zoning map

The location and boundaries of the zoning districts are as shown, defined, and bounded on the set of maps accompanying this chapter entitled, "Zoning Map, City of Everett, Massachusetts." The zoning map, its amendments and all explanatory matter thereon are hereby made a part of this chapter.

D. Boundaries of districts

Boundaries of the zoning districts where indicated on the zoning map as approximately following city limits; platted lot lines or the centerlines of streets, water courses, or

railroad lines as they existed upon the effective date of adoption or amendment of this chapter; or extensions thereof shall be construed to follow respectively such city limits; platted lot lines or centerlines of streets, water courses or railroad lines; or extensions thereof unless otherwise delineated on the zoning map.

E. Split lots

1. **By City boundary.** When a lot is situated in part in the City and in part in an adjacent municipality, the provisions of this chapter shall be applied to the portion of such a lot in the City in the same manner as if the entire lot were situated in the City.
2. **By zoning district boundary.** When a lot is transected by a zoning district boundary, the regulations of this chapter applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent of not more than 30 linear feet in depth beyond such zoning district boundary.

Section 3. Use regulations

A. Use classification and designation

1. **Use categories.** This ordinance classifies principal and accessory land uses into use categories based on similar functional characteristics, physical characteristics, amount of activity, and likely impact on surrounding properties due to noise, vibration, and other impacts.
2. **Definition of uses.** Individual uses are defined within categories in Section 12.C. Definition of uses.
3. **Category designation.** The Director of Inspectional Services shall classify land uses based on the definition of uses. If a proposed use is not listed in a use category, but meets the definition of a use category or is similar to a listed individual use, the Building Commission may consider the proposed use as part of that use category. When a proposed use is not found to meet the definition of a use category or be similar to a listed individual use by the Director of Inspectional Services, the use is prohibited.

B. Permitted uses

1. **Mixed use.** Real property may have one or more principal and one or more accessory uses.
2. **Table of Use Regulations.** The use of real property is permitted as specified in the Table of Use Regulations. Use categories not identified in the Table of Use Regulations are prohibited.
3. **Key to the Table of Use Regulations.**
 - a. Permitted by right. A use listed in the Table of Use Regulations is permitted as of right in any district under which it is denoted by the letter "P" subject to such restrictions as may be specified elsewhere in this Ordinance.
 - b. Special Permit: A use designated in the Table of Use Regulations by the letters "SP" may be permitted as a Special Permit only if the Planning Board so determines and grants a special permit therefore as provided in this Ordinance subject to such restrictions as are set forth elsewhere in this Ordinance, and such restrictions as said Board may establish.
 - c. Not Allowed. A use listed in the Table of Use Regulations which is denoted by the letter "X" is not allowed without an amendment to the Zoning Ordinance enacted by the City Council.

Table of use regulations

	OS	R1	R2	B1	B2	MU	MW	RF	DI	ED	ID	O-FH (a)	O-RC
Residential													
Communal	X	SP	P	SP	P	P	SP	P	(b)	SP	SP	SP	X
Multifamily	X	X	P	P	SP	SP	SP	P	(b)	SP	SP	SP	X
Single-family	X	P	P	P	X	SP	X	P	(b)	X	X	SP	X
Two-family	X	P	P	P	SP	P	X	P	(b)	X	X	SP	X
Three-family	X	P	P	P	P	P	X	P	(b)	X	X	SP	X
MBTA Multifamily	X	X	X	X	X	P	X	X	X	X	X	SP	X
Commercial													
Assembly	X	X	X	P	P	P	SP	P	(b)	SP	P	SP	X
Automotive	X	X	X	SP	SP	X	X	X	(b)	SP	SP	SP	X
Bars, pubs, or taverns	X	X	SP	SP	P	P	SP	SP	(b)	SP	P	SP	X
Bed and breakfast	X	X	SP	P	P	P	SP	SP	(b)	SP	SP	SP	X
Eating place	X	X	SP	P	P	P	P	P	(b)	SP	P	SP	X
Gaming	X	X	X	X	X	X	X	X	(b)	X	X	SP	P
Hotel	X	X	SP	SP	P	P	SP	SP	(b)	SP	SP	SP	X
Indoor telecommunications	X	X	SP	SP	P	P	P	P	(b)	P	P	SP	X
Office and creative enterprise	X	X	X	P	P	P	P	P	(b)	P	P	SP	X
Outdoor commercial storage	X	X	X	X	SP	SP	SP	SP	(b)	SP	SP	SP	X
Outdoor recreation	X	X	X	P	P	P	P	P	(b)	P	P	P	X

	OS	R1	R2	B1	B2	MU	MW	RF	DI	ED	ID	O-FH (a)	O-RC
Production and retail of food and beverage	X	X	X	SP	P	SP	SP	SP	(b)	P	P	SP	X
Research and development or laboratory	X	X	X	SP	P	P	P	P	(b)	P	P	SP	X
Retail and personal services	X	X	SP	P	P	P	P	P	(b)	P	P	SP	X
Sensitive retail and services	X	X	X	X	X	X	X	X	(b)	X	SP	SP	X
Trade	X	X	X	SP	SP	SP	SP	SP	(b)	P	P	SP	X
Industrial													
Energy	X	X	X	X	X	X	X	X	(b)	SP	SP	SP	X
Freight terminal and warehouse	X	X	X	X	X	X	X	X	(b)	X	SP	SP	X
Light industry	X	X	X	X	X	X	X	X	(b)	SP	P	SP	X
Heavy industry	X	X	X	X	X	X	X	X	(b)	SP	SP	SP	X
Outdoor industrial storage	X	X	X	X	X	X	X	X	(b)	SP	SP	SP	X
Self-storage	X	X	X	X	X	X	X	X	(b)	SP	SP	SP	X
Community													
Agriculture	P	P	P	P	P	P	P	P	(b)	P	P	P	X
Childcare	X	P	P	P	P	P	P	P	(b)	P	SP	SP	X
Education and public	P	SP	P	P	P	P	P	P	(b)	P	P	SP	X
Institutional healthcare	X	SP	P	P	P	P	P	P	(b)	P	P	SP	X

	OS	R1	R2	B1	B2	MU	MW	RF	DI	ED	ID	O-FH (a)	O-RC
Open space	P	P	P	P	P	P	P	P	(b)	P	P	P	X
Transit station	X	SP	P	SP	P	P	P	P	(b)	P	P	SP	X
Accessory													
Drive through	X	X	X	SP	X	X	SP	X	(b)	SP	SP	SP	X
Accessory agriculture	P	P	P	P	P	P	P	P	(b)	P	P	SP	X
Accessory agricultural structures	P	SP	SP	P	P	P	P	P	(b)	P	P	SP	X
Accessory dwelling unit	X	P	P	P	P	SP	SP	SP	(b)	SP	SP	SP	X
Farm stand	P	SP	P	P	P	P	P	P	(b)	P	P	SP	X
Home occupation without employees	X	P	P	P	P	P	P	P	(b)	P	P	SP	X
Home occupation with employees	X	SP	(b)	SP	P	SP	X						
Outdoor display of goods	X	X	X	SP	SP	SP	SP	SP	(b)	SP	P	SP	X
Truck parking	X	X	X	SP	SP	SP	SP	SP	(b)	SP	P	SP	X
Research and development	X	X	SP	SP	SP	SP	SP	SP	(b)	SP	SP	SP	X
Signs and towers	X	X	SP	SP	SP	SP	SP	SP	(b)	SP	P	SP	X
Solar energy, rooftop generation	P	P	P	P	P	P	P	P	(b)	P	P	SP	X
Temporary structures	X	SP	(b)	SP	SP	SP	X						

4. Footnotes for the Table of Use Regulations

- a. Uses allowed by right-or by special permit as determined in the underlying district.
- b. For Docklands Innovation, see Section 10.C.4.d. Use Provisions

C. Prohibited uses

The following uses are specifically prohibited in all zoning districts. This list is nonexclusive, and no use shall be deemed permitted because it is not listed herein.

1. **Animal slaughterhouse:** A facility designed for the slaughter and processing of mammals for meat and other animal products.
2. **Asphalt plant:** A facility for the production and processing of asphalt, including the mixing of raw materials such as aggregate, sand, and bitumen to create asphaltic concrete used in road construction, paving, and other related applications.
3. **Check-cashing:** A business that provides services to cash checks, money orders, or similar financial instruments for a fee without offering traditional banking services such as savings accounts or loans.
4. **Junkyards:** An outdoor location or facility where discarded or salvaged materials, including vehicles, machinery, appliances, and other goods, are collected, stored, and potentially dismantled or recycled for parts or materials.
5. **Pawnbroker:** A business that offers loans in exchange for items of personal property used as collateral.
6. **Parking of unregistered motor vehicles:** Including as a primary or accessory use.

D. Accessory use operations and area

1. **Operation.** The operation of an accessory use shall be customarily incidental and subordinate to a permitted principal use and shall not alter the scale or visual impact of the premises on which it is located or of the neighborhood. Any accessory activity that involves noise, glare, heat, smoke, or electromagnetic transmission shall be adequately shielded to achieve these ends.
2. **Area of Accessory Use.** The area to be occupied by an accessory use is limited as follows
 - a. No accessory use within a principal structure, other than an accessory dwelling unit, and other than required off-street parking, shall occupy more than 25 percent of the floor area of that principal structure.
 - b. No accessory use not within a structure other than required off-street parking shall occupy more than 25 percent of the unbuilt lot area.

3. Home occupation accessory use requirements.

- a. Home occupation without employees. Where allowed as accessory uses, pursuant to the Table of Permitted Uses, home occupations without employees must:
 - i. Be conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence.
 - ii. Be clearly incidental and subordinate to the use of the premises for residential purposes.
 - iii. Not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution.
 - iv. Not involve sales of wares or goods on the premises.
 - v. Not utilize exterior storage of material or equipment (including the parking of commercial vehicles).
 - vi. Not exhibit any exterior indication of its presence or any variation from residential appearance, except a single pole sign or wall sign no larger than two square feet.
 - vii. Up to two customers or clients at the premises at a time.
- b. Home occupation with employees. Where allowed as accessory uses, pursuant to the Table of Permitted Uses, home occupations with employees must
 - i. Be clearly incidental and subordinate to the use of the premises for residential purposes;
 - ii. Not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
 - iii. Not involve sales of wares or goods on the premises;
 - iv. Not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
 - v. Be conducted within a dwelling and solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two nonresident employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
 - vi. Not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a single pole sign or wall sign no larger than two square feet;

- vii. Be authorized by a special permit granted by the Planning Board, which may impose conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips;
 - viii. The special permit shall be specific to the applicant and shall terminate upon transfer of ownership of the property or change of occupancy of the property.
4. **Keeping of animal requirements for agricultural purposes.** Hens and honey bees are the only allowed animals to keep for agricultural purposes and are subject to the following criteria. Other livestock are prohibited.
- a. No person shall keep hens or honeybees on their premises without obtaining a permit from the Director of Inspectional Services. Application fees are \$50 for the first year and \$25 for annual renewal with no modifications to the plan or keeper.
 - b. Requirements for the keeping of hens:
 - i. A maximum of 6 hens may be kept on a lot. No roosters may be kept.
 - ii. Odor from hens cannot be noticeable at the property boundary.
 - iii. Hens must stay on the property.
 - iv. Henhouses shall not exceed eight feet in height and have a minimum of two square feet per hen.
 - v. Henhouses are subject to accessory structure setback requirements
 - vi. Henhouses are not permitted in front yards or in side yards that abut streets.
 - vii. Ownership, care and control of the hens shall be the responsibility of a resident of the dwelling on the lot.
 - c. Requirements for the keeping of honey bee hives:
 - i. Honey bee hive: A hive is a manufactured receptacle or container prepared for the use of honey bees that includes movable frames, combs, and substances deposited into the hives by honey bees.
 - ii. Hive limit: 2 per parcel
 - iii. Hive height limit: 5 feet
 - iv. Hive size limit: 20 cubic feet
 - v. Owner contact information: Each hive must have visibly posted to be used by a city or state inspector or by a member of the public with questions or concerns.

5. **Farm stand requirements.** Accessory farm stands shall not exceed 200 square feet in floor area. Farm stands must be placed so as not to encroach onto sidewalks, driveways or other rights of way.

Section 4. Dimensional requirements

A. General requirements

1. **Table of Dimensional Requirements.** No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Table of Dimensional Requirements as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures, except as may otherwise be provided elsewhere herein. No existing lot shall be changed in size or shape so as to result in a violation of the requirements set forth in said Table.

Table of dimensional requirements

	OS	R1	R2	B1	B2	MU	MW	RF	DI	DI-MP (c)	ED	ID	O-FH	O-RC
Lot dimensions														
Lot size (min, sq.ft.)	NA	3,750	3,750	0	0	0	10,000	0	5,000	2,000	5,000	0	40,000	20 acres
Lot size by special permit (min, sq.ft.)	NA	3,000	3,000	0	0	0	5,000	0	NA	NA	2,000	0	5,000	20 acres
Lot width (min, ft.)	NA	35	40	0	0	50	40	100	40	20	40	0	100	0
Lot development														
Impervious lot coverage (max, %)	NA	65	80	65	85	90	85	85	95	95	95	10 0	60	70
Open space (min, %)	NA	NA	NA	NA	15	15	20	20	15	15	15	15	NA	30
Lot area per dwelling unit (min, sq.ft.)	NA	1,250	400	1,250	400	350	NA	630	350	NA	350	NA	NA	NA
Lot area per dwelling unit by special permit (min, sq.ft.)	NA	1,000	150	1,000	150	150	350	NA	NA	NA	350	NA	NA	NA
Building setbacks														
Front setbacks (min, ft.)	NA	12	12	0	0	0	0	10	10	0	10	0	20	0

	OS	R1	R2	B1	B2	MU	MW	RF	DI	DI-MP (c)	ED	ID	O-FH	O-RC
Front setbacks (max, ft.)	NA	NA	20	12	12	12	12	NA	NA	NA	NA	NA	NA	0
Side setback (min, ft.)	NA	4	4	0	0	10	0	30	10	NA (a)	10	0	20	0
Side setback by special permit (min, ft.)	NA	4	0	0	0	0	0	0	NA	NA (a)	0	0	0	0
Rear setback (min, ft.)	NA	20	7	7	10	10	0	25	20	NA (a)	20	0	7	0
Rear setback abutting Residential District (min, ft.)	NA	NA	NA	7	12	12	12	12	20	NA (a)	12	12	12	0
Side setback abutting Residential District (min, ft.)	NA	NA	NA	7	25	25	25	25	10	NA (a)	25	25	25	0
Building														
Floor area ratio (max)	NA	1.1	3.0	1.5	2.0	3.5	2.0	2.3	1.0	NA	1.0	3.0	0.5	NA
Floor area ratio (max) by special permit	NA	3.0	3.5	3.0	3.0	6.0	4.0	4.0	4.0	NA	4.0	6.0	3.0	NA
Building height (max, ft.)	NA	40	55	40	65	85	150	65	65 (b)	NA	45	10 0	20	400
Building height by special permit (max, ft.)	NA	40	65	40	85	100	280	65	NA	370	65	39 0	100	400
Building height (min, number of stories)	NA	NA	NA	NA	2	3	3	2	NA	NA	1	NA	NA	NA

2. Footnotes.

- a. Minimum Setback to Master Planned Area Boundary is 10 ft.
- b. For a Development Site two acres or more the maximum height is 85 feet.
- c. Master Plan Special Permit uses in Docklands Innovation

3. **Notes to Table of Dimensional Requirements.** In interpreting the Table of Dimensional Requirements, the following provisions shall apply:
- a. The minimum front setback depths shall be measured from the right-of-way line.
 - b. Requirements pertaining to corner lots and through lots:
 - i. The minimum front setback depth, rather than the minimum side or rear setback width, shall be applied to determine the setback of any building from lot lines abutting any public or private way.
 - ii. The applicant has the right to designate which street frontage shall be considered its front lot line for purposes of determining side and rear setback lines. All street frontages shall be subject to front setback requirements. The Planning Board shall determine which frontage of any lot containing residential units shall be used to calculate the eligible number of residential on-street parking permits.
 - c. The minimum side setback required shall be measured from the side lot line to the side building line, and the minimum rear setback depth required shall be measured from the rear lot line to the rear building line.
 - d. The minimum lot width required shall be measured at the rear of the required front setback depth and on a line parallel to the right-of-way line.
 - e. Frontage shall mean a lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along 2 intersecting streets if their angle of intersection is greater than 120 degrees. If frontage is not on a public way or approved subdivision way, a finding from the Planning Board shall be required that the street has sufficient width, suitable grade and adequate construction for the proposed use.
 - f. The building height shall be measured from the average elevation of the street frontage to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.
 - g. By Special Permit, the Planning Board may approve coordinated development of two or more contiguous lots or two or more lots separated only by a street and may consider the development as one lot for the purpose of calculating dimensional requirements (including maximum FAR, setbacks, and lot coverage), provided there will be adequate provision for safe pedestrian and vehicular movement.

- h. Rooftop building elements may exceed the maximum height limit defined herein by up to 15 feet, provided that they occupy in the aggregate less than 20 percent of the area of the roof on which they are located and are located and designed to minimize visibility from the street to the extent practicable. Examples include elevator or stairway enclosures, spires, towers, chimneys, broadcasting and television antennae, ventilators, roof-mounted solar energy systems, and other appurtenances or ornamental features usually located above the roof, which features are in no way used or suitable for use for occupancy or storage purposes.
- i. Ground mounted solar energy systems may be located no closer than 10 feet from the front, side, or rear lot line.

4. Lot development

- a. Impervious lot coverage
 - i. The maximum area of a lot that is permitted to be covered by the combination of principal buildings, accessory buildings, accessory structures and impermeable surfaces.
 - ii. The lot coverage of a structure is measured from the outside of the exterior walls at the ground story, including covered porches and other building components.
 - iii. The lot coverage (and permeable area) of porous asphalt, pervious concrete, paving stones, or grass pavers is calculated using the runoff coefficient provided by the manufacturer.
- b. Green space: The minimum area of a lot that must be provided as green space. Green space is ground level or upper story outdoor landscaped area including, but not limited to, natural woodlands, yards, forecourts, courtyards, and green roofs.

5. Projections into required setbacks

- a. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections on buildings not more than 35 feet in height, may extend beyond the minimum required side and rear setback by up to 3.5 feet. The setback areas over which these building elements project shall be included in calculating lot coverage.
- b. Projecting eaves, bay windows, balconies, and like projections may extend beyond the minimum front setback requirements; provided, however, that the total width of projecting features may not exceed the lesser of 30% of the total width of the lot or 50% of the width of the building. The setback areas

over which these building elements project shall be included in calculating lot coverage.

6. Dimensional requirements for accessory structures.

- a. Area. The total area of uses accessory to the principal use is limited to 25 percent of the floor area or lot area of the principal use(s) to which they are accessory.
- b. Height of accessory structure. The height of accessory structures is limited as follows:
 - i. Structures accessory to one-, two-, and three-family dwellings shall not exceed 20 feet in height, unless they comply with all setback and dimensional requirements applicable to principal structures.
 - ii. Structures accessory to other uses shall not exceed the height restriction of the principal structure.
- c. Location of accessory structure. The location of accessory structures shall be limited as follows:
 - i. In residential districts, no accessory structure shall be located within the required front or side setback but may be built in the rear setback.
 - ii. In commercial and industrial districts, no accessory structure shall be permitted within any required setbacks.
 - iii. Swimming pools may not be located in front of the principal structure and must be set back a minimum six feet from rear and side lot lines, measured from the water's edge to the lot lines. All pumping equipment must be suitably screened and be set back a minimum of twelve feet from any lot line.

Section 5. Nonconforming uses and structures

A. Applicability

1. **Applicability to nonconformities.** Except as hereinafter provided, this chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this chapter or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.
2. **Commencement of construction or operation.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this chapter, unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

B. Nonconforming uses

The Zoning Board of Appeals may approve a special permit to change or extend a lawfully preexisting nonconforming use or a change from one nonconforming use to another nonconforming use in accordance with this section only if it determines that such change or extension is not substantially more detrimental to the neighborhood than the existing nonconforming use.

C. Nonconforming structures

The Zoning Board of Appeals may approve a special permit to reconstruct, extend, alter, or change a lawfully preexisting, nonconforming structure in accordance with this section if it determines that such reconstruction, extension, alteration, or change is not substantially more detrimental to the neighborhood than the existing nonconforming structure. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstruction, extension or structural changes;

2. Alterations to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

D. Variance required

The reconstruction, extension or structural change of a nonconforming structure in such a manner as to create a new nonconformity, shall require the issuance of a variance.

E. Nonconforming single-, two-family and three-family residential structures

Lawfully nonconforming single-, two- and three-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Department of Inspectional Services that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure.

1. **Permissible changes.** Interior alteration to a structure, including conversion to a two-family or three-family use, shall not be deemed to increase the nonconforming nature of said structure, provided the lot coverage for the property is not increased, such as adding driveway or parking area.
2. **Encroachment.** Alteration to a structure which encroaches upon one or more required setback areas, provided the alteration will comply with all current setback and building coverage requirements and will not result in any increase in building height within the area of encroachment.

If the Department of Inspectional Services determines that the proposed alteration, extension or change will increase the nonconforming nature of the structure, the Zoning Board of Appeals may, by special permit, allow such alteration, extension or change if it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term "reconstruction" shall not include the voluntary demolition of such a structure and its rebuilding. See subsection G. Reconstruction after catastrophe or voluntary demolition.

F. Abandonment or non-use

A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this chapter; provided, however, that by special permit the Zoning Board of Appeals may allow the reestablishment of a nonconforming use or structure otherwise abandoned or not used.

G. Reconstruction after catastrophe or voluntary demolition

Any nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following procedures.

1. **Procedures.**

- a. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- b. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in gross floor area as the original nonconforming structure.
- c. In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit from the Zoning Board of Appeals shall be required.

H. Reversion to nonconformity

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use, except pursuant to subsection F.

I. Substandard lots

The boundaries of a lawfully preexisting nonconforming lot may be changed, provided the change does not result in exacerbation of an existing nonconformity or a new nonconformity. Any change to the boundaries of a preexisting nonconforming lot that will exacerbate an existing nonconformity may be allowed by special permit from the Zoning Board of Appeals upon a finding that such change will not be substantially more detrimental to the neighborhood.

J. Eminent domain

When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, such lot and any structure located thereupon shall be considered lawfully preexisting nonconforming for purposes of this section.

Section 6. Transportation

A. Off-street parking

1. **General.** Off-street parking spaces shall be provided and maintained by the owner of the property for each building or use which, after the effective date of this Ordinance, is commenced, erected, enlarged or altered, according to the regulations set out in this section.
2. **Location.** Except as otherwise provided herein, all parking spaces required by this Ordinance shall be on the same lot as the building or use which they are intended to serve, except that the Planning Board may, in approving a site plan or special permit application, allow the parking spaces to be provided within 1,320 feet of such lot, if it determines that:
 - a. It is impractical to provide parking on the same lot with the building or use.
 - b. The proposed off-site parking will safely and adequately serve the proposed use.
 - c. The applicant demonstrates full site control of the location of such off-site parking for a term of years reasonably deemed sufficient by the Planning Board.
 - d. No automotive sales or service operations are performed in any such parking area.
 - e. The applicant provides improvements to the benefit of pedestrians to the corridor between the parking area and the premises to which it is. Said improvements may include but are not limited to sidewalks, benches, lighting, bicycle racks and street trees. The adequacy of said improvements shall be determined by the Planning Board based upon an evaluation of the benefit of the proposed improvements proportional to the amount of pedestrian activity projected to be generated between the accessory off-site parking and the use(s) proposed to be served by the parking.
3. **Setbacks.** Setbacks for parking areas shall be provided as follows:
 - a. Parking stalls in parking lots shall be set back from the street lot line to whatever extent may be necessary, as determined by the Inspectional Services Department, to avoid the probability of cars backing into or otherwise maneuvering on any sidewalk when entering or leaving the stalls. In no case shall parking lots be designed to require or encourage cars to back into a public or private way in order to leave the lot or any parking space therein.

Table of required parking spaces

(1)	One- and two-family dwellings	1 space per dwelling unit
(2)	Multifamily dwellings	1 space per dwelling unit
(3)	Hotels, motels, lodging houses, rehabilitation centers, halfway houses and hospitals	1 space for each 2 beds
(4)	Nursing homes, rest homes and dormitories	1 space for each 4 beds
(5)	Restaurants	1 space for each 4 seats
(6)	Cocktail lounge	1 space for each 3 seats
(7)	Places of assembly	
	a. Schools, auditoriums, museums, theaters and cinemas	1 space for each room plus 1 space for each 3 persons designated for the largest single room occupancy
	b. Churches, synagogues and other places of assembly used as places of worship	1 space for each room plus 1 space for each space for every 5 persons designated for the largest single room occupancy
(8)	Office use	1 space for each 500 gross square feet of use
(9)	Retail use	1 space for each 300 gross square feet of use
(10)	Industrial	1 space for each 1,000 square feet of use
(11)	Warehouse	1 space for each 3,000 gross square feet of use
(12)	Quick service, fast food, drive-in establishments	1 space for each 40 gross square feet of floor area
(13)	Public assisted elderly and handicapped housing	0.5 spaces per unit
(14)	All other nonresidential use	1 space for each 300 square feet of use

B. Loading

1. **General.** Adequate off-street loading spaces shall be provided and maintained by the owner of the property for each nonresidential building or use, according to the following requirements.
2. **Requirements.**

- a. Off-street loading shall not be visible from the front lot line of the lot.
- b. Loading spaces or loading areas shall not be encroached upon in any manner unless a change in use occurs that permits a change in the amount of adequate loading area.
- c. Adequacy of off-street loading areas shall be determined by the Planning Board pursuant to site plan review. Adequacy of off-street loading areas for uses not requiring site plan review shall be determined by the Department of Inspectional Services.

C. Transportation demand management (TDM)

1. Purpose

- a. TDM participation is intended to prevent, reduce and mitigate the impacts of development on parking demands, the City's transportation system, neighborhood livability, public safety and the environment.
- b. TDM programs provide residents, employees and visitors with information and incentives to reduce drive-alone vehicle travel to achieve the City's parking and transportation goals, as outlined in the Everett Transportation Strategy Plan, which serves as a cornerstone for all decisions related to transportation in the City.

2. Definition of Terms. The following are standard terms to be used throughout this section and are defined accordingly. They may also apply to other City ordinances and actions.

- a. "Applicant" refers to the individual or entity, and their successors or assigns, seeking approval of any development pursuant to any section(s) of this Ordinance. Trustees of any condominium association are successors or assigns of the applicant for that development.
- b. "Contributions" refers to monetary payments, credit agreements or in-kind resource dedication that an applicant or its appointed designee must make to the City or to the City's appointed partner organization providing TDM services on a recurring, scheduled basis as set forth in the applicant's site plan approval with the City.
- c. "Everett transportation strategy plan" or "transportation master plan" refers to the City's transportation strategy plan, as it may from time to time be amended, for the overall management of transportation systems for the City, which may include actions or recommendations that fall outside the bounds of this section but that broadly supports TDM as a mobility strategy for the City.

- d. “Members” and “membership” refer to active participation in a transportation management association.
- e. “TDM services” refers to any combination of parking, transportation, or mobility related programs, products, software platforms or applications, operating services, or other resources used in the City’s efforts to reduce drive-alone vehicle trips or to mitigate a development’s impacts on the transportation system arising from vehicle access and use.
- f. “Transportation demand management” or “TDM” refers to the broad set of parking and transportation planning policies, strategies, and actions generally employed by the City, intended to reduce single-occupant vehicle trips and vehicle access and roadway demand related to development, or more broadly throughout the City in general.
- g. “Transportation demand management plan” or “TDM plan” is a document required of an applicant as part of the site plan review and approval process for a development that meets one or more of the section’s applicability thresholds. The TDM plan shall include specific TDM services that mitigate the transportation and parking impacts of the development and identify overall TDM goals.
- h. “Transportation management association” or “TMA” refers to an organization, which may or may not be a division of the government of the City, responsible, at a minimum, for:
 - i. Advisory services to applicants or their appointed designees on the development of a TDM plan;
 - ii. Peer review and oversight of TDM plans;
 - iii. Recommendations to City staff on TDM plans and their approval or refinement; and
 - iv. Maintenance of a comprehensive inventory of TDM plans, including periodic monitoring and reporting to the City of the effectiveness of these plans and compliance to their terms and requirements.
 - v. Providing and promoting joint TDM services for its dues paying members.

3. Applicability, Zoning Relief and Site Plan Review.

- a. Thresholds for compliance with this section. Each applicant proposing a development that meets at least one of the four thresholds set forth in the following subsections shall be subject to and comply with this section:

- i. Development intensity. All developments that, alone or when added to existing structures or uses, cause a property to meet or exceed any of the following thresholds:
 - (a) Ten thousand gross square feet of nonresidential space;
 - (b) Ten total residential dwelling units;
 - (c) Ten hotel rooms; or
 - (d) Ten school or other educational/vocational classrooms.
 - ii. Access Constraints. Significant limits to site access that place substantial transportation burden on a discrete portion of the City's transportation network, as determined by the Transportation Director or his/her designee and identified generally in the user guide.
 - iii. Total Number of Trips. Any development projected to generate at least 500 total daily trip ends, regardless of the intensity of any individual uses within that development, according to the most current version of the Institute of Traffic Engineers Trip Generation Manual.
 - iv. Parking provided above or below the number specified in Table of Required Parking Spaces.
- b. Notwithstanding anything to the contrary set forth in this section, this section shall not apply to exclusively residential developments that would result in fewer than 10 total residential units on a lot, unless:
- i. Such development will provide fewer than two parking spaces for each new dwelling unit; or
 - ii. The applicant elects to proceed under this section.
- c. Each development that is subject to this section shall require site plan review and approval by the Planning Board.
- i. Prior to approval of any site plan, the Planning Board shall review for compliance with this section and may include conditions of approval designed to ensure that compliance.
 - ii. Said application shall include, at a minimum, a proposed TDM plan for the development and a project description.
 - (a) The project description shall include trip generation estimates and proposed vehicle and bicycle parking.
 - (b) The description may include phased development to occur for a period of up to 10 years or the specific timeline requirements the City has established for impact analysis, whichever is greater.

- d. No parking variance or special permit authorizing a reduction in the number of required off-street parking spaces shall be required for any development that satisfies the requirements of this section.
- e. The Zoning Board of Appeals may not grant a variance from compliance with the requirements of this section.
- f. Preapplication conference (nonmandatory). An applicant subject to this section may request to meet with City staff prior to submittal of a site plan application for guidance on compliance herewith, TDM plans, TMA membership obligations, as well as potential TDM services.

4. TDM Requirements.

- a. Transportation Management Association (TMA) Membership.
 - i. Size thresholds for required membership.
 - (a) Each applicant for a development subject to this section shall secure, and maintain for the life of the development, on behalf of that development, membership in the TMA at a level related to its occupancy status and permit requirements per the membership schedule on file with the Planning Director or their designee.
 - (b) TMA membership requirements shall increase if a development expands or the Department of Inspectional Services determines an occupancy load in excess of that anticipated at the time of initial approval.
 - ii. Fee schedule for membership contributions.
 - (a) An applicant must make an initial payment, prorated on a partial-year basis, by the first date of the calendar month after approval of the site plan review application and must continue to make payments by January 1 of a calendar year to the TMA as long as any certificate of occupancy, business license, or other form of active permitting is in effect.
 - (b) Payments must be made on an annual basis.
 - (c) Payments will follow a fee schedule on file with the City's Planning Director or their designee.
- b. Absence of a TMA.
 - i. In the event that the City has not designated a TMA, that a designated TMA is dissolved or otherwise ceases to exist, or that a TMA does not provide services directly in the City, applicants subject to this section shall be required to meet the requirements of this section through TDM plans.

- ii. In these circumstances, any requirements for written agreements between an applicant and the TMA shall be waived until such time as the City directs the applicant to join a newly created or revived TMA.
 - c. Independent implementation of TDM strategies and enhancements.
 - i. An applicant may elect to provide its own TDM services beyond those made available by the TMA at any given time. Examples may include, but are not limited to, circulator or other passenger transportation services or provision of shared bicycles or other personal mobility devices.
 - ii. An applicant may provide physical infrastructure contributions that broadly support TDM, but these contributions will not exempt an applicant subject to this section from TMA membership.
 - iii. All services or infrastructure provided in this manner shall be open to any users wishing to utilize them and shall meet all requirements for public services in the Americans with Disabilities Act (ADA).
 - iv. Upon such time that the City or TMA offer similar comparable services on the scale of a larger district or geographic area above and beyond the development, the applicant is encouraged to pay a fair-share contribution to these services instead of continuing to operate its own service.
 - d. Calculation of impact (points) and TDM plans.
 - i. Proposed developments will be assigned an impact score based on the amount of parking, trip generation, and traffic impact they are estimated to generate.
 - ii. Each applicant must document this impact score in the TDM plan filed with its site plan application.
 - iii. The impact score will be based on the schedule of TDM impacts on file with the City's Planning Director or their designee.
 - e. Calculation of TDM credits.
 - i. The City will accept TDM strategies as having different levels of effectiveness in mitigating transportation impacts referenced in subsection (c)(4) of this section.
 - ii. Applicants must include a combination of TDM strategies in TDM plans that provide a total credit score equal to or greater than the development's impact score. These will be based on scores detailed in a schedule of TDM credits on file with the City's Planning Director or their designee.

- f. Upper limits to TDM obligations under this section. The City may, at its sole discretion, set an upper limit to the degree to which any applicant must mitigate the impact score for a development, as defined in this section.
 - i. This upper limit, if it is defined, will apply to all applications and developments subject to this section, and an applicant will only be responsible for providing TDM services that represent credit scores equal to this upper limit.
 - ii. If a development has incurred an impact score exceeding this upper limit, the Planning Board may impose additional mitigation requirements reasonably related to that differential portion of the development's impact score.

5. Occupancy, monitoring and reporting requirements.

- a. Program delivery timeline.
 - i. Any requirements that constitute part of an applicant's initial TMA contributions must be satisfied prior to issuance of a certificate of occupancy.
 - ii. Expanded TMA requirements shall be satisfied within the time designated by the City or, if no such deadline has been established, prior to issuance of a new certificate of occupancy.
- b. Reporting. An applicant must complete two of the following reports, and submit them with its annual TMA contributions, by January 1 of the first calendar year after receiving a certificate of occupancy, and every calendar year thereafter:
 - i. Employee/resident mode share survey. This survey shall provide information (as comprehensive as possible) on the principal means of access to the development by employees, residents, or other principal users.
 - ii. Annual traffic count and analysis.
 - (a) An applicant may submit a traffic count demonstrating that vehicular traffic volumes substantially related to the development do not exceed the estimates relied upon in preparing a TDM plan.
 - (b) Applicants must propose a methodology for this analysis Director of Transportation and the analysis must be completed by a professional engineer or other certified transportation professional in accordance with generally accepted transportation planning practices.

- iii. TMA program participation report, providing detail on the development's level of participation in TMA programs.
- c. Not meeting TDM plan commitments and goals.
 - i. If a development's reporting shows that it does not meet the commitments and goals set forth in its approved TDM plan, such as exceeding acceptable traffic impact or failing to meet travel mode shift goals defined in the TDM plan, the applicant must revise its TDM plan in consultation with the TMA (or the Planning Director or their designee in the event there is no TMA) to incorporate additional TDM measures and incentives.
 - ii. The revised TDM plan must be submitted to the Director of Transportation within 90 days of the initial reporting for that calendar year.
 - iii. Compliance with the revised TDM plan shall be treated as a condition of site plan approval.
 - iv. In the event that an applicant and the TMA (or the Planning Director or their designee) are unable to reach agreement on additional TDM services, the applicant shall apply to the Planning Board to amend its TDM plan and site plan approval to approve a new TDM plan.
- d. The Planning Director or their designee shall have the authority, but not the obligation, to authorize the substitution of one or more TDM services provided the total credit score contained in the approved TDM plan meets or exceeds the approved impact score for the development. Any approved substitution shall be treated as a condition of the approved TDM plan and site plan approval.

Section 7. General development regulations

A. Landscaping

1. Purpose

- a. To ensure vegetation is properly planted and installed in a timely manner and thereafter maintained.
- b. To increase the compatibility of development in adjacent zoning districts, minimize the potential adverse impacts of adjacent land uses, increase privacy, and minimize the trespass of undue sound and light between adjacent properties.
- c. To protect existing trees and expand the City's mature tree canopy in order to enhance the quality of life within Everett.
- d. To promote a healthy urban environment.

2. Applicability.

- a. The requirements of this section shall apply to any project that proposes:
 - i. Any development that requires site plan approval,
 - ii. Construction of a new principal building,
 - iii. Site improvements that alter more than 1,000 square feet of lot area, or
 - iv. Construction or reconstruction of a surface parking lot or public access open space.
- b. The following shall not require compliance with this section:
 - i. A single residential structure on a lot containing three or fewer dwelling units,
 - ii. Maintenance, repairs and modifications to an existing principal building that do not expand its footprint or gross floor area,
 - iii. Changes in use that do not involve substantial exterior alterations to the principal building or site, and
 - iv. Construction of new accessory structures with a footprint of less than 500 square feet and are not designed for human occupancy.

3. **Landscape installation prior to occupancy.** Landscaping required by this Ordinance must be completed prior to the issuance of a certificate of occupancy. If seasonal or abnormally inclement weather conditions preclude such completion, the Director of Inspectional Services may grant a certificate of occupancy if the applicant provides a letter of commitment to complete installation by the next planting season.

4. Landscape Maintenance

- a. All vegetation must be maintained in healthy, growing condition at all times.
- b. Turf grass must be mowed and edged; planting beds must be weeded, and kept free of litter; all trees, hedges, bushes, shrubs, and other vegetation must be trimmed to prevent encroachment by growth that obstructs or impedes use of any sidewalk.
- c. Vegetation that is significantly damaged, missing, infested, disease-ridden, or dead must be replaced within one year or by the next planting season, whichever occurs first.
- d. Vegetation that is deemed by the Director of Inspectional Services to be hazardous or unsafe or that interferes with public utilities must be abated by the property owner as soon as practicable or within 30 days of notice by the Director of Inspectional Services.

5. Landscape Buffers

- a. Applicability. Any lot with non-residential use within or adjacent to residential zones must be screened by a landscape buffer.
- b. Design Standards
 - i. Landscape buffers must be located along the outer perimeter of the lot, parallel to and extending along 100% of the length of the lot line, excluding approved access roads or walkways. Landscape buffers must effectively shield the non-residential uses from view, utilizing dense evergreen plantings, berms, walls, or tightly constructed fences.
 - ii. Landscape buffers must be at least 6 feet wide, measured from the lot line toward the interior of the lot.
 - iii. Landscape buffers must, at a minimum, include a fence and one large tree per 30 feet of lot line or a continuous row of closely spaced evergreen shrubs that grow to at least two feet tall at maturity and one large tree per 30 feet of lot line.
 - iv. Required trees and shrubs may be installed at varying distances to create a naturalistic landscape design, provided the per linear foot requirement is satisfied as an average, and the landscape is arranged to provide sufficient screening.
 - v. Required trees must be at least 10 feet in height or two inches in caliper when planted.
 - vi. Fences and walls must be positioned exterior to required landscaping.

- vii. Preexisting, substantially equivalent vegetation that is preserved within the landscape buffer may substitute for any required landscape buffer plantings provided that the preexisting vegetation is healthy.
- viii. Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage, or other service lines are permitted within landscape buffers.
- ix. Surface parking is prohibited within a required landscape buffer.

6. Parking lot landscaping and amenities

- a. Perimeter planting. Surface parking with more than 20 spaces must be screened from view along any lot line abutting a public thoroughfare by a landscape buffer designed in accordance with the Landscape Buffers requirements.
- b. Parking lot landscaping islands or solar PV canopy. Surface parking with more than 20 spaces must provide either landscaping islands or a solar PV canopy at the end of every row of parking spaces.
 - i. Landscaping islands requirements
 - (a) Landscape islands may be consolidated and intervals may be adjusted as necessary to preserve existing trees or facilitate storm water management.
 - (b) Landscape islands abutting a single row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include one large tree.
 - (c) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two large trees.
 - ii. Solar PV canopy requirements: Canopy structures shall cover the length of the parking spaces.
- c. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary. Use of paving stones, grass pavers, pervious concrete, or porous asphalt is strongly encouraged, wherever possible.

B. Fences and walls

1. General

- a. Fences may be placed up to and along any lot line.
- b. Fences installed directly onto a shared side or rear lot line require consent of the abutting property owner.

- c. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting property or thoroughfare.

2. Fence and wall height maximum

- a. Fences and retaining walls located within any front setback area may not exceed four feet in height. Successive retaining walls within any front setback area must be built with a minimum horizontal separation distance of four feet.
- b. Fences otherwise may not exceed six feet in height, unless required as screening pursuant to a site plan approval or special permit.
- c. Retaining walls may otherwise be built to any height, subject to such conditions as may be imposed on any site plan approval or special permit.

3. Restrictions

- a. Fences are prohibited within any existing or required drainage or utility easement, provided that this prohibition may be waived in connection with a site plan approval or special permit if an applicant demonstrates that the proposed fence will not unreasonably inhibit or interfere with the purposes of such easement.
- b. Barbed wire and concertina wire are prohibited.

C. Screening

1. Loading facilities

- a. Outdoor loading facilities, including all docks and areas used for the storage and staging of materials must be screened from view by a wall or fully closed fence between six and 12 feet in height, as necessary to sufficiently screen delivery vehicles, and constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- b. Exterior entrances and access to loading facilities that are fully enclosed within a building must have an opaque, self-closing door constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- c. Loading facility doors must remain closed except during loading and unloading activities.

2. Service areas

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.
- b. Exterior entrances and access to service areas that are fully enclosed within a building must have an opaque, self-closing door constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- c. Outdoor service areas that are visible from a public thoroughfare, public open space, or abutting properties in a residential district must be fully screened by a wall or fully closed fence at least six feet in height with self-closing access doors and constructed of materials that are compatible with the principal building in terms of texture, quality, and color.

3. Mechanical equipment

- a. Rooftop or wall mounted. Mechanical equipment on any surface that is visible from a public thoroughfare or public open space must be enclosed within a rooftop penthouse or screened by an opaque screen constructed of materials that are compatible with the principal building in terms of texture, quality, and color. Rooftop solar energy generation and wind power generation are exempt.
- b. Ground-mounted
 - i. Mechanical equipment that is visible from a public thoroughfare or public open space must be screened by landscaping, a fence, or a wall constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
 - ii. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

Section 8. Special use provisions

A. Mixed-use development

1. Purposes.

- a. To encourage more diverse economic development.
- b. To encourage economic development, job creation, private investment and to strengthen the City's tax base.
- c. To encourage high-quality and high-density mixed-use development.
- d. To encourage a diverse range of land uses compatible with changing neighborhoods.
- e. To provide a greater range of residential development and housing options for the residents of Everett with particular focus on the enhanced access to mass transit routes offered by this neighborhood.
- f. To encourage other commercial and retail uses to reflect the evolving market in the City.

2. **Applicability.** Mixed Use (MU), Mixed Use Waterfront (MW), Dockland Innovation (DI), and River Front (RF) districts.

3. **Requirements.**

- a. Residential units may not comprise more than fifty percent of the gross floor area of the first story of any structure. Common amenities, rental and administrative offices, parking and other uses customarily accessory to multi-family residential use shall not count toward this limit.
- b. The development must include a minimum of 60 square feet of Commercial or Community space per residential unit. Any such commercial component must be open to non-residents of the development, involve on-site employees and may not be comprised of ATM kiosks, vending machine areas or other similar uses. Rental or sales offices dedicated to marketing, leasing or selling units within the development shall not count toward the required commercial component.
- c. A mixed-use development may be comprised of one or more buildings on one or more parcels, providing such parcels abut one another and/or are directly across the street from one another, and the required commercial component, parking and other development features and amenities may be distributed among such parcels, subject to site plan review and approval.

B. Automotive uses

1. In addition to the review criteria for all Special Permits, the Planning Board shall consider the following factors in determining whether to approve or deny a special permit authorizing an automotive use:
 - a. Location of driveways entrances and access points in relation to the safety and convenience of pedestrians, bicyclists, and motor vehicles.
 - b. Visual impact and quality of screening of vehicles.
 - c. Compatibility with other surrounding properties.
 - d. Procedures for controlling emission of noxious or hazardous materials or substances.

C. Removal or deposit of earth products

1. **Special Permit required.** The quarrying of stone or the removal, deposit or disposal of earth materials, including topsoil, sand, gravel or subsoil by any person, firm or corporation on any parcel of land in the City of Everett shall be allowed only by special permit from the Zoning Board of Appeals after public notice and hearing. Such a special permit shall be for a specific term not exceeding two years.
2. **Exception.** These regulations shall not apply where such activities are necessarily incidental to: (a) construction of a single- or two-family residential structure; or (b) any other development of property pursuant to a special permit or site plan approval that specifically authorizes such activities.
3. **Requirements.** Approval of a special permit shall be subject to the following findings and conditions, as well as such other conditions as the Planning Board may impose in its discretion:
 - a. The proposed activities will not be detrimental to the neighborhood. Such activities shall not be performed closer than 300 feet to a public road or to any existing dwelling, school or park.
 - b. At no time shall such activities result in the accumulation of groundwater or surface water.
 - c. Any open excavation shall be completely enclosed by a substantial fence with suitable gates, and such fence shall be located not closer than 50 feet from the edge of such excavation.
 - d. Upon cessation of such activities, the earth shall be reshaped to reduce the disfigurement of the land, with a maximum allowable slope of 20 percent. The area shall be seeded and maintained until plant cover is well established. These measures shall be taken progressively as the use of each portion of a

lot for such activities is discontinued and shall not be postponed until final abandonment of the entire operation.

D. Trailers and mobile homes

1. Parking of trailers or mobile homes. No person shall park or store a trailer or mobile home or similar structure on any premises, except in a garage, or so located as to be at least 20 feet from any street line, and at least eight feet from any building on an adjacent lot.
2. No person shall park or store a trailer or mobile home or similar structure on any premises, except in a garage. This requirement shall not apply to temporary construction trailers determined by the Director of Inspectional Services to be reasonably related to ongoing construction activities on the property.

E. Religious or educational institutions

1. No portion of this Ordinance shall be interpreted to prohibit or unreasonably regulate the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation; provided, however, that any such use must comply with all the requirements of the Zoning Ordinance concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements of the zoning district in which it is located unless the Planning Board determines such requirements to be unreasonable as applied to the proposed use in conducting modified site plan review pursuant to Section 11.E.6.

F. Wireless communication facilities

1. **Purpose.** The purpose of this amendment is to provide areas where wireless communications facilities (WCF) can be sited by special permit, while minimizing potential damage and adverse visual impacts on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.
2. **General.** Except as provided herein, an applicant for a WCF may not be issued a building permit unless or until a WCF special permit has been issued by the Planning Board. Antennas used for City and State emergency services and antennas used solely and exclusively for ham radio operation and home television reception are excluded from this section.
3. **Requirements.**

- a. A monopole shall be the only wireless communication structure (WCS) issued as a WCF special permit. Lattice towers and guyed towers are not allowed as a WCS.
 - b. A WCF special permit may also be granted for a wireless communication device (WCD) or WCS to be affixed to existing, multi-story, apartment buildings or structures, provided that such WCD or WCS shall not exceed 15 feet in height above the highest building or structure within 300 feet of the proposed WCF.
 - c. To the extent feasible, all services provided shall co-locate all WCFs on a single facility. WCFs shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
 - d. WCSs or WCFs shall be removed by the owner at the owner's expense within six months of cessation of use for the particular purpose for which the applicable special permit or any other permit was originally issued for such WCF. At such a time as the carrier plans to abandon or discontinue operation of said WCF, the carrier shall notify the City by certified mail of the proposed date of cessation or abandonment. The Planning Board may require the applicant to post a bond or other surety in a form it approves to cover costs for the removal of the WCF.
 - e. Any proposed extension in the height, addition of cells, antennas or panels, constitution of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the special permit.
4. **Submission requirements.** All applications for WCF special permit shall be made and filed with the Planning Board. For an application to be considered complete the following must be submitted, in addition to any requirements that the Planning Board may establish by regulation:
- a. Locus plan of the proposed area at a scale no greater than 1 inch = 200 feet which shows property lines, the exact location of the proposed structures, streets, residential dwellings and all buildings within 700 feet of the property
 - b. A color photograph or rendition of the proposed facility with its antennas or panels. A rendition shall also be prepared illustrating a view of the monopole, dish or antennas from the nearest street.
 - c. The following information must be submitted and prepared in written form by a knowledgeable registered professional engineer and/or radio frequency engineer or other person deemed qualified by the Planning Board:

- i. A description of the facility;
 - ii. The technical, economic and other reasons why the proposed location, height and design fulfills the purposes of this section;
 - iii. Confirmation that the facility complies with all applicable federal and state rules, regulations and standards;
 - iv. A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate for the purpose of these calculations;
 - v. Confirmation to the Director of Inspectional Services that the proposed facility complies with or is exempt from applicable regulations administered by the FAA, FCC, Massachusetts Aeronautic Commission and the Massachusetts Department of Public Health. This confirmation will be provided to the Director of Inspectional Services by the then current owner every 2 years after issuance of the original building permit;
 - vi. The applicable review and advertising fees as noted in the application guidelines.
5. **Design requirements.** The following requirements shall be used when preparing plans for the siting and construction of all WCFs.
- a. No monopole shall exceed 200 feet in height.
 - b. All facilities shall be painted or otherwise colored to blend in with the landscape or the structure on which they are located/attached.
 - c. WCFs shall be suitably screened from abutters and residential neighborhoods.
 - d. A security barrier shall be provided to control access to WCFs and shall be compatible with the scenic character of the area.
 - e. Existing on-site vegetation shall be preserved to the maximum extent possible.
 - f. There shall be no signs, except for announcement signs, no trespassing signs, safety signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform to the City's Sign Ordinance and Entrance Corridor Overlay District.
 - g. A monopole shall not be erected nearer to any property line than a distance equal to a minimum of 125 percent of the height of the monopole measured from the lowest point on the base of the monopole.

- h. A freestanding monopole shall be located a minimum of 500 feet from the nearest residential structure.
 - i. Night lighting of towers shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or required by the FAA.
6. **As of right WCF.** No special permit shall be required for a WCF that is located within or on a nonresidential building or municipal structure, provided that no WCF may extend more than 15 feet above the highest building or structure within 300 feet of the proposed WCF.
7. **Waiver.** The Planning Board shall be authorized to waive the requirements of this section if deemed necessary to comply with the Federal Telecommunications Act, regulations promulgated thereunder, or any other state or federal law or regulation.

G. Drive-through facilities

1. **Purpose.** The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the City by providing detailed review of the design and layout of drive-through facilities, which have a substantial impact upon the character of the City and upon traffic, utilities and services therein.
2. **Special Permit Required.** Drive-through facilities may be authorized by a special permit issued by the Planning Board.
3. **Drive-through facility standards.**
 - a. There must be a minimum of 200 feet between curb cuts, unless reduced by the Planning Board upon a finding that such reduction may be granted without detriment to the public good and without substantially derogating from the intent and purpose of this section.
 - b. The width of any curb cut shall not exceed 20 feet for two-way traffic and 10 feet for one-way traffic, unless the traffic impact study identifies the need for a larger curb cut and the requirement is increased by the Planning Board.
 - c. Curb cuts must be sufficiently setback from intersections and directional restrictions (i.e., right-in/right-out only and/or a restrictive median) as required by the Planning Board.
 - d. A system of joint use driveways and cross access easements must be established wherever feasible and the proposed development must incorporate the following:
 - i. A service drive or cross access corridor extending the width of the parcel;

- ii. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
 - e. Stacking lanes must be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: separate drive-through traffic from site circulation; not impede or impair access into or out of parking spaces; not impede or impair vehicle or pedestrian traffic movement; and minimize conflicts between pedestrian and vehicular traffic. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement within stacking lanes. If said separate stacking lane is curbed an emergency by-pass or exit shall be provided.
 - f. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for drive-through fast food facilities shall be a minimum of 200 feet from the property line of a residential use. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for other drive-through facilities shall be a minimum of 50 feet from the property line of a residential use. For any drive-through facility, a landscaped buffer and solid wooden panel fence must be provided alongside and rear setbacks directly adjacent to residential uses to screen the abutting residential use. The landscaped buffer must be a minimum of 20 feet wide.
 - g. Menu boards may be a maximum of 30 square feet, with a maximum height of 6 feet, and shall be shielded from any public street and residential properties.
 - h. Noise levels generated by all operations, including but not limited to noise emanating from speakers from the resultant establishment(s), may not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- 4. Compliance.**
- a. An as-built plan, certified by a registered professional land surveyor or engineer shall be submitted to the Planning Board and Director of Inspectional Services before the issuance of a permanent occupancy permit.
 - b. No permanent occupancy permit shall be issued for any building/drive-through facility subject to this section unless such building and all its related facilities have been completed according to the approved site/drive-through plan.

- c. Any changes in the approved site/drive-through plan, or in the activity to be conducted on the site shall be submitted to the Planning Board for review and approval pursuant to all requirements of this section.

H. Registered medical marijuana dispensaries

1. General provisions.

- a. Purposes. The purposes of this section are as follows:
 - i. To provide for the limited establishment of registered marijuana dispensaries (facilities) in appropriate places and under strict conditions.
 - ii. To minimize the adverse impacts of registered marijuana dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.
 - iii. To regulate siting, design, placement, safety, monitoring, modification and removal of registered marijuana dispensaries.
 - iv. To limit the overall number of registered marijuana dispensaries in the city to what is essential to serve the public convenience and necessity.
- b. Applicability.
 - i. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a registered marijuana dispensary in compliance with the provisions of this section.
 - ii. No facility shall be established except in compliance with the provisions of this section.
 - iii. If any provision of this section or in the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.
- c. Marijuana establishments forbidden. The operation of any marijuana establishment, as defined in M.G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, marijuana delivery business or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes as set forth herein.

2. **Special Permit.**

- a. Registered marijuana dispensaries shall be permitted only upon the grant of a special permit approved by the Planning Board.
 - i. A special permit for a registered marijuana dispensary shall be limited to one or more of the following uses that shall be prescribed by the Planning Board:
 - (a) Cultivation of marijuana for medical use (horticulture);
 - (b) Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments and other products;
 - (c) Retail sale or distribution of marijuana for medical use to qualifying patients;
 - (d) Wholesale sale of marijuana for medical use to other registered marijuana dispensary.
 - ii. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises and the applicant's use thereof as a registered marijuana dispensary, and shall expire upon the expiration or termination of the applicant's certificate or license from the Cannabis Control Commission or successor agency. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.
 - iii. Any violation of this section or or the special permit shall be grounds for revocation of a special permit issued under this section.

3. **General requirements and conditions.** The Planning Board may impose, in addition to any other conditions specified in this section, such additional conditions as it finds reasonable and appropriate to minimize impacts on abutters, safeguard the neighborhood, or otherwise serve the purposes of this section. Conditions of a special permit shall include, but are not limited to the following:
 - a. A registered marijuana dispensary shall be located in a permanent building and not within a mobile facility.
 - b. No facility used as a dispensary only shall have gross floor area in excess of 2,500 square feet. A facility used as a dispensary only may be located in buildings that exceed 2,500 square feet of floor area, provided that the gross floor area of the facility shall not exceed 2,500 square feet.

- c. No facility used as a cultivation or processing facility shall have a gross floor area in excess of 25,000 square feet.
- d. The hours of operation of facilities shall be set by the Planning Board, but in no event shall said hours be open and/or operating between the hours of 9:00PM and 8:00AM.
- e. No special permit for a facility shall be issued to a person who has been convicted of a felony or a violation of a state or federal statute prohibiting the unlawful possession, sale or distribution of narcotic drugs or prescription drugs. Further, no special permit for a facility shall be issued to a non-profit corporation in which an owner, shareholder, member, officer, manager, or employee has been convicted of a violation of a felony or a state or federal statute prohibiting the unlawful possession, sale or distribution of narcotic drugs or prescription drugs.
- f. No special permit for a facility shall be issued to a person who has been convicted of a violation of Massachusetts General Laws Chapter 119, section 63 Inducing or Abetting Delinquency of Child or Massachusetts General Laws Chapter 272, section 28 Matter Harmful to Minors, dissemination; possession; defenses. Further, no special permit for a facility shall be issued to a non-profit corporation in which the owner, shareholder, member, officer, manager or employee has been convicted of a violation of Chapter 119, section 63 M or Massachusetts General Laws Chapter 272, section 28.
- g. No facility shall be located within 500 feet of a residential zoning district or any playground, public athletic field, park, multi-use path, or other recreational facility. The distance under this subsection shall be measured in a straight line from the nearest point of the property line of the uses and structures identified to the nearest point of the property line of a facility.
- h. No smoking or burning marijuana-related products shall be permitted on the premises of a facility.
- i. No facility shall be located inside a building containing residential units, including transient housing such as hotels, motels, dormitories or inside a movable or mobile structure.
- j. Any wall sign, or the identifying sign of the medical marijuana dispensary has no exterior wall sign, shall include the following language, "Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical marijuana dispensaries". The required text shall be a minimum of 2 inches in height.

- k. All print and electronic advertisements for facilities, including but not limited to flyers, general advertising signs, and newspapers and magazine advertisements, shall include the following language: “Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical marijuana dispensaries”. Oral advertisements for medical cannabis dispensaries, including but not limited to radio and television advertisements shall include the same language.
 - l. Facilities shall provide the Planning Board and all neighbors located within 500 feet of the establishment with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.
 - m. Facilities may sell or distribute cannabis only to individuals possessing a medical cannabis registration card issued by the state Cannabis Control Commission.
 - n. All employees of the facility shall be at least 18 years of age.
 - o. No person who is not at least 18 years of age shall be permitted on the premises of a facility during the hours of operation unless that person is a qualified patient or caregiver with a valid registration card issued by the state Department of Public Health.
 - p. The facility must be screened from adjoining premises and public ways by walls, fences, plantings or other devices.
 - q. The Police Department shall be given full access to security camera data and any other security plan in order to make recommendations or requirements for security of the premises.
4. **Required findings for approval.** Before granting a special permit, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses, must find all of the following conditions to be fulfilled:
- a. The proposal is in harmony with the general purpose and intent of this section and the purposes of the zoning district and it will not be detrimental to the health, safety or welfare of the neighborhood or the City.
 - b. The proposal is compatible with existing uses and development patterns in the neighborhood and will be harmonious with the visual character of the neighborhood in which it is proposed.
 - c. The proposal will not create a nuisance to the neighborhood due to impacts such as noise, dust, vibration, or lights.

- d. The proposal will not create undue traffic congestion nor impair pedestrian safety and provides safe vehicular and pedestrian circulation within the site.
- e. The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.
- f. The proposal will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the proposed use or any existing use will create significant hazards to health, safety, or the general welfare.
- g. The proposal minimizes environmental impacts including erosion, siltation, detriment to ground and/or surface water levels, or detriment to ground or surface water quality.
- h. The facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations.
- i. In the case of retail sale or distribution, the facility is serving a measurable demand for marijuana for medical use that is currently unmet within the City.
- i. The applicant has not provided materially false documents of testimony.
- j. The applicant has satisfied all of the conditions and requirements of subsections entitled General Requirements and Conditions for All Registered Marijuana Dispensaries and Special Permit Requirements.

I. Assembly establishments

1. **Purpose.** The purpose of assembly establishments is to allow for venues where people gather for live music, performance, or entertainment without impacting safety, public health, convenience and general welfare of the inhabitants of the City.
2. **Assembly use standards**
 - a. Sound pressure levels shall not exceed 3 dBA above ambient at the property line of any neighboring residence between 10:00 p.m. and 10:00 a.m.
 - b. Sound pressure levels beyond the property line otherwise shall not exceed 75 dBA or ten dBA above ambient.

J. Adult use establishments

1. **Declaration of purpose.**

- a. There is documented experience in cities across the United States showing that adult entertainment uses degrade the quality of life in the areas of a community where they are located, with impacts including increased levels of crime, blight, and depreciation of property values.
- b. The City of Everett desires to protect its residential and other sensitive land uses from encroachment by commercial adult uses and to ensure and promote the City's image as a safe, pleasant and attractive place of residence. The City also desires to preserve and protect the safety of young people and children in the vicinity of schools and public parks.
- c. The City further desires that young people and children not be subjected to confrontation with the existence of adult entertainment uses in the vicinity of schools and parks.
- d. The commercial areas of the City reflect greatly on the City's image and it is the desire of the City to promote a positive business community image, and to retain and promote safe, attractive business areas free of crime and nuisances.
- e. The purpose of this Ordinance is to regulate adult entertainment uses within the City by Special Permit pursuant to Chapter 40A section 9 and 9A of the General Laws in order to promote the safety and welfare of the inhabitants of Everett.

2. **Adult use restrictions.**

- a. Adult Uses and Sensitive Retail and Service establishments may only be located in an Industrial District, pursuant to a special permit from the Planning Board.
- b. Adult Bookstores, Adult clubs, Adult theaters, Adult Video Stores, Adult Paraphernalia Stores may not advertise, display, or promote material visible to the public from any public way including pedestrian walkways.

K. Ground mounted solar energy systems

1. **Purpose.** The purpose of this section is to accommodate solar energy facilities in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities.
2. **Applicability.** This section applies to all uses identified as requiring a site plan review or a special permit for ground mounted solar energy facilities.
3. **Siting preferences.** Where a solar facility is sited, as well as placement on the site once selected, is an important consideration. The City strongly discourages locations that result in significant loss of land, and encourages rooftop siting

(by-right accessory use in most districts), as well as locations in industrial and commercial districts, or on vacant, disturbed land.

4. **Dimensional regulations.** Ground mounted solar energy systems shall conform to building dimensional requirements including lot coverage and setbacks.
5. **Ground mounted solar energy system Site Plan Review.** In addition to the documentation required for all Site Plan Review, the following items shall be included:
 - a. Scaled drawings or designs of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
 - b. Documentation of the major system components to be used, including the panels, mounting system, and inverter(s);
 - c. Electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
 - d. An operation and maintenance plan (see Solar Design Guideline Document);
 - e. Proof of liability insurance; and
 - f. Decommissioning plan and proposed form and amount of surety to secure decommissioning.
6. **Ground mounted solar energy system maintenance, removal, and abandonment.**
 - a. Monitoring and maintenance.
 - i. Solar energy system installation conditions - The ground-mounted solar energy system 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 Director of Inspectional Services. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.
 - ii. Modifications - All material modifications to a ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority.
 - b. Abandonment or decommissioning

- i. Removal requirements - Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization and re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- ii. Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written approval of the Planning Board. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning.
- iii. Once decommissioning is complete, the owner shall request an inspection from the City within 10 days of removal.

Section 9. Special residential regulations

A. Inclusionary zoning

1. **Purpose and intent.** Due to changing demographics and development trends, affordable housing needs are expected to continue to increase in the City. The purpose of this section is to encourage development of new housing that is affordable to low and moderate-income households. Affordable housing produced through this regulation should comply with the requirements set forth in M.G.L. c. 40B §§ 20-24 and other affordable housing programs developed by the Commonwealth and the City. It is intended that the affordable units created under this section be considered as local initiative units, in compliance with the requirements for the same as specified by the Executive Office of Housing and Livable Communities (EOHLC), qualifying for inclusion in the City's subsidized housing inventory (SHI).
2. **Applicability.** In all zoning districts, the inclusionary zoning provisions of this section shall apply to any project or series of projects that results, in the aggregate, in a total of 10 or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or nonresidential space to create additional housing units. In adopting this requirement, the City has determined to allow multi-family housing developments larger than ten units as an incentive to encourage the creation of affordable housing.
3. **Affordable units.** A project subject to this section shall comply with the following requirements:
 - a. A number of units equal to at least 15% of the units at 80% AMI or at least 10% of the units at 60% AMI in a development subject to this section at the discretion of the planning board shall be established as affordable units in any 1 or combination of methods provided for below ("affordable housing requirement"):
 - i. Construction or rehabilitation of affordable units on the project site (see subsection (5) of this section); or
 - ii. Construction or rehabilitation of affordable units on another site approved by the Director of Planning and Development (see subsection (6) of this section).
 - b. Affordable units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Director of Planning and Development, ensuring that the affordable units shall remain affordable in perpetuity. The regulatory agreement shall be consistent with any applicable

guidelines issued by the Executive Office of Housing and Livable Communities and shall ensure that affordable units can be counted toward the City's SHI. No occupancy permit shall be issued for the project until the restriction and the regulatory agreement are recorded at the Registry of Deeds and a copy is provided to the Director of Planning and Development and the Director of Inspectional Services. Unless determined otherwise by the Director of Planning and Development or precluded by state law or regulation, the monitoring agent shall be the Everett Housing Authority.

- c. It shall be the responsibility of the applicant to prepare and execute all applications and forms necessary to ensure that the affordable units are added to the city's SHI.
 - d. The Planning Board may, at its discretion, reduce the affordable unit requirement in a development to ten percent 10% of the total number of dwelling units in a development with an AMI of 80% or to 7% of the total number of dwelling units in a development with an AMI of 60% if the development meets either (or both) of the following requirements:
 - i. The project site has a recorded activity and use limitation (AUL) and requires environmental remediation; or
 - ii. The project site is located within a FEMA flood district.
4. **Additional density bonus for additional affordable units.** To facilitate the objectives of this section, the Planning Board may approve waivers of any dimensional restriction in this Zoning Ordinance in return for the creation of affordable dwelling units in excess of the affordable housing requirement. Any applicant requesting such waivers shall present a baseline plan that demonstrates the number of units that could be developed without the need for such waivers. The Planning Board may approve waivers of such dimensional requirements (including setbacks, height restrictions, floor area ratio requirements and parking requirements) to allow for development of units in addition to the number depicted on the baseline plan ("bonus units"); provided, that:
- a. The total number of bonus units may not exceed 50% of the number of units that would be permitted without the need for such waivers, as shown on the baseline plan; and
 - b. The affordable housing requirement for the bonus units shall be 25%; and
 - c. The Planning Board shall affirmatively find that granting such waivers will not be substantially more detrimental to the neighborhood than approval of the baseline plan would be.

5. Provisions applicable to affordable units on and off-site.

- a. Minimum design and construction standards for affordable units. Affordable units shall be integrated with the rest of the development, shall be of the same tenure type (i.e., rental or ownership) and shall be compatible in design, appearance, construction, and quality of materials with market-rate units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.
- b. Mix of affordable units. The affordable units shall have an equal and proportionate mix equal to the market-rate units. The affordable units within the project shall be proportionally equal fhto the number of market-rate studios, one-bedroom, two-bedroom and/or three-bedroom units, etc., on site.
- c. Marketing plan for affordable units. Applicants shall submit a marketing plan to the Director of Planning and Development for approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants and shall conform to the guidelines or requirements of EOHLC or any successor agency.

6. **Local preference.** To the maximum extent permitted by law, the regulatory agreement shall require, and the applicant shall apply, a preference for residents and employees of the City as part of the lottery and marketing plan for the affordable units. Residency shall be established through certification of the City Clerk based on census, voter registration or other acceptable evidence.

7. **Fees.** The applicant shall be responsible for all consultant fees, including engineering, architectural, legal, housing consultant and planning fees, incurred by the Director of Planning and Development in connection with the administration of this section and ensuring that the affordable units are included on the City's SHI.

B. MBTA Multifamily

1. **Purpose.** This section is adopted in accordance with the provisions of G.L. c. 40A, 3A, for the purpose of allowing construction of multifamily housing by right within the MU District.
2. **Multifamily Uses Allowed by Right.** Multifamily (non-mixed-use) residential developments, provided that the maximum building height is three stories or 35 feet.
3. **Underlying Zoning Unaffected.** The provisions of this section shall not affect the provisions otherwise applicable to property within the MU District. Owners of

property within the MU District have the option, but are not required, to develop under the provisions of this section.

C. Accessory dwelling unit (ADU)

1. **Purposes.** The purposes of this section are to:
 - a. Provide small additional dwelling units to rent without adding to the number of buildings in the City or substantially altering the appearance of the City; and
 - b. Provide alternative housing options for elderly residents and small families.
2. **Procedures.**
 - a. By right. Accessory dwelling units of up to 900 square feet in gross floor area are allowed as of right within a principal residential structure or in an accessory structure to residential structure that complies with all dimensional requirements of this Ordinance.
 - b. Special permit. Accessory dwelling units larger than 900 square feet of gross floor area, and the conversion of an existing accessory structure that does not comply with one or more dimensional requirements of this Ordinance may be allowed by special permit from the Planning Board upon a finding that the construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood in which the subject property is located.
 - c. A property containing a single-family residence and an accessory dwelling unit shall not be considered a two-family use. A property containing a two-family residence and an accessory dwelling unit shall not be considered a three-family use. A property containing a three-family residence and an accessory dwelling unit shall not be considered a multi-family use. Nothing herein is intended or shall be construed to affect the application of the state Building Code or any other non-zoning regulation.
3. **Conditions for ADUs.**
 - a. Prohibitions on short-term rental of accessory dwelling units. The minimum occupancy or rental term for an ADU or any unit in a principal dwelling with an ADU shall be 30 days.
 - b. Location. A plot plan of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Director of Inspectional Services (or the Planning Board for nonconforming detached structures) showing the location of the building on the lot, the proposed accessory dwelling unit, and location of required parking. A mortgage inspection survey shall be sufficient to meet this requirement, provided that such plan depicts all new structures, additions and parking areas.

- c. Limit on number of ADUs per lot. Not more than one accessory dwelling unit may be established by right on a lot. More than one ADU may be allowed by special permit from the Planning Board.
- d. Appearance. The external appearance of the structure in which the internal accessory apartment is to be located shall not be significantly altered from the appearance of the structure or accessory structure thereto. Exterior alterations to an existing detached accessory structure are permitted provided they improve the materials, design, and visual screening of the existing structure.
- e. Parking. No additional parking shall be permitted or required in connection with the addition of an ADU.
- f. Lot Coverage. No increase in impervious lot coverage may be permitted in connection with the creation of an ADU.

Section 10. Special district regulations

A. Flood Hazard Overlay (O-FH)

1. **Purpose.** The purpose of this section is:
 - a. To protect the health and safety of the occupants of lands subject to seasonal or periodic flooding.
 - b. To protect persons and property from hazard and loss through the regulation of future development of lands adjoining watercourses.
 - c. To preserve the natural flood-control characteristics and the water storage capacity of floodplains.
 - d. To ensure the control and containment of sewage, and the safety of gas, electric, fuel and other utilities from breaking, leaking, short-circuiting, igniting or any other damage due to flooding.
 - e. To comply with applicable federal standards for flood prone areas.
 - f. To protect persons and structures from the adverse effects of sea level rise and storm surge associated with climate change by promoting resilient planning and design.
2. **Warning and disclaimer of liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur. This article does not imply that areas outside designated flood hazard districts or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this article or from any administrative decision lawfully made thereunder.
3. **Flood Hazard District.**
 - a. **Location.** The Flood Hazard Overlay (O-FH) district is herein established as an overlay district. The O-FH includes all special flood hazard areas within the City designated as Zone A, AE, AH, AO, A99, V, or VE on the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. A floodway is defined as the channel of a river or other waterway plus overbank areas that must be kept open in order to discharge the 100-year flood without increasing flood heights.
 - b. **Interpretation of Maps.** The Director of Inspectional Services shall make interpretations, where needed, as to the exact boundaries of flood hazard districts or floodways. If the map information does not reflect actual site

conditions in relation to the base flood elevation, said Commissioner may determine that a location is within or outside a flood hazard district, based on actual elevations provided by a registered professional surveyor or registered professional engineer. The City or an individual may appeal to the Federal Emergency Management Agency to amend the FIRM or Floodway maps or the Flood Insurance Study.

4. **Permitted uses.** Permitted uses in the O-FH are listed in the Table of Uses in the Use Regulations section, provided that any and all permits, orders or approvals required by state or federal law shall have been obtained.
5. **Special Permit uses.** In the O-FH, no structure or building, including pipes and wells, shall be erected, constructed, substantially improved, enlarged or otherwise created or moved and no area shall be paved; no earth or other material shall be stored, dumped used as fill, excavated or transferred; unless all the following conditions, are found to exist as part of the granting of a special permit by the Planning Board:
 - a. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
 - b. There is adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from waterbodies or high runoff.
 - c. Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.
 - d. Where the proposed use will be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled:
 - i. New structures or substantial improvements shall be located landward of the reach of mean high tide.
 - ii. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.
6. **Special Permit procedure.** An applicant for a special permit shall file an application to the Planning Board and the City Clerk, which shall comply with the following submittal requirements:

- a. A site plan at a scale of 1 inch equals 20 feet shall be prepared by a registered land surveyor or registered professional engineer and shall show at least the following:
 - i. Lot lines within which the development is proposed and the tie-in to the nearest road intersection;
 - ii. The location, boundaries and dimensions of each lot in question;
 - iii. Two-foot contours of the existing and proposed land surface;
 - iv. Location of existing and proposed structures, watercourses, drainage and drainage easements, means of access, utilities, and sewer disposal facilities including leaching fields, if any. Proposed elevations should be noted.
- b. The Flood Hazard District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
 - i. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - iii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 - iv. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
 - v. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
 - vi. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- c. A written report describing the proposed development or use relative to each of the conditions of set forth above.
- d. In cases of floodproofing or pile construction, certification by a registered professional engineer or architect as to the elevation of floodproofing measures and as to compliance with the applicable sections of the Massachusetts State Building Code concerned with flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood. Where specific methods or techniques have been previously certified, the Planning Board may waive this requirement.

- e. A list of federal, state and other local permits required of the applicant.
7. **Planning Board action.** The Planning Board shall, within seven days after the filing of said application, transmit one copy of said application and plan to the Director of Inspectional Services, City Engineer, Head of the Fire Department or the Head of the Fire Department's designee, Director of Inspectional Services and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on such plan until it has received a report thereon from the Director of Inspectional Services, City Engineer, Head of the Fire Department or the Head of the Fire Department's designee, Director of Inspectional Services and Conservation Commission or until 35 days have elapsed after distribution of such application without a submission of a report. The Planning Board shall hold a public hearing on said application as soon as possible after receiving the above reports, in accordance with Chapter 40A of the Massachusetts General Laws. The Planning Board shall notify the applicant in writing of its decision on the special permit. The decision shall document the proposed development or use and the grounds for granting or refusing the special permit. The Planning Board may, as a condition of approval, require that the applicant give effective notice to prospective purchasers, by signs or by recording the special permit at the registry of deeds, of the flood hazard conditions associated with said premises and the steps undertaken by the petitioner or the petitioner's successor in title to alleviate the effects of same.
8. **Use and dimensional regulations.**
- a. Design Flood Elevation (DFE). For all uses and structures, the lowest occupiable floor must be above the DFE. DFE is calculated by adding freeboard above the FEMA Base Flood Elevation as specified below. Base Flood Elevation is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The Base Flood Elevation is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.
 - i. Where any part of the lowest occupiable floor is used for a residential use or High Risk Structure as defined in the Massachusetts State Building Code, 780 CMR: DFE is 2 feet above Base Flood Elevation.
 - ii. Otherwise: DFE is one foot above Base Flood Elevation.
 - iii. Unoccupied accessory uses allowed below the minimum DFE:

- (a) Access and vertical circulation (including lobbies, stairs, and similar spaces)
 - (b) Flood Protection Equipment
 - (c) Storage
 - (d) Parking
 - b. Height. Within the Flood Hazard Overlay District, building height shall be measured from the higher of grade or DFE.
 - c. Within the Flood Hazard Overlay District, building areas developed to vertical circulation from grade to DFE and areas devoted to floor protection equipment shall be excluded from the measurement of gross floor area and may be located within required setbacks.
 - d. In Zone AE, along watercourses within the City that have a regulatory floodway designated on the FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - e. All subdivision proposals must be designed to assure that:
 - i. Such proposals minimize flood damage;
 - ii. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - iii. Adequate drainage is provided to reduce exposure to flood hazards.
9. **Amendments to this section.** The adoption of floodplain management zoning is a requirement for Everett's continued participation in the flood insurance program of the federal government. The flood insurance program provides previously unavailable flood insurance protection to property owners in flood prone areas. Future amendments to this section shall comply with applicable federal requirements.
10. **Application.** The provisions of this section are not intended to repeal, amend, abrogate, annul or interfere with any lawfully adopted state or federal laws or regulations or any local ordinances, covenants, regulations or rules. However, where this section imposes greater restrictions, the provisions of this section shall govern.

B. Resort Casino Overlay (O-RC)

- 1. **Purposes.** The purposes of this District are:
 - a. To provide for redevelopment of long-vacant property abutting the Mystic River by establishing standards for development of a Gaming Establishment.

- b. To encourage high-quality and high density mixed-use development that takes advantage of the Mystic River access and views of the Boston skyline.
- c. To encourage economic development and job creation, and to conserve the value of land and buildings, in the City.

2. Applicability.

- a. The O-RC shall be deemed to overlay the land as shown on the Zoning Map of the City. Within the O-RC, a landowner may elect to develop or apply for permits pursuant to the zoning controls set forth in this section or to comply with all applicable zoning controls set forth in the underlying zoning.
- b. Uses and dimensional controls allowable only by special permit pursuant to the underlying zoning shall be permitted by site plan review if included in a Gaming Establishment.
- c. Upon election to proceed under this section, uses and dimensional controls shall be governed solely by the provisions of this section and shall be exempt from other standards and/or procedures of the Zoning Ordinance except as specified in this Ordinance.

3. Permitted uses. The following uses are allowed by-right in the O-RC:

- a. Gaming Establishment.
- b. Any use allowed by-right or by special permit in the underlying zoning.

4. Performance standards. In addition to the required findings for site plan approval pursuant to this Ordinance, site plan approval in the O-RC shall require the following findings:

- a. Overall site development shall provide for public access to the waterway to the extent permitted pursuant to state law.
- b. Overall site development shall include at least one structure greater than 250 feet in height designed to enhance the Everett skyline when viewed from Boston and the Mystic River.
- c. Non-gaming amenities such as hotel, retail, dining, entertainment, spa/gym, and meeting facilities and other service functions shall make up over 75% of the total development gross square footage.
- d. To the maximum extent practicable, multiple publicly accessible uses on the site shall include both indoor and outdoor options for pedestrian access between and among them.

- e. At least 90% of on-site parking to serve the O-RC Development, including employee parking, shall be provided in parking structures, which may include sub-surface parking structures.
 - f. Site development shall incorporate accessible, landscaped outdoor public open spaces with seating, pedestrian level lighting and pedestrian amenities to facilitate public viewing of the Mystic River and access to water-based transportation.
5. **Waivers.** The Planning Board may approve a proposed Development Project that deviates From the standards set forth in this section, or in the Design Standards, upon a finding that such waiver(s) will not adversely affect public safety, and will equally or better serve the purposes of the O-RC.

C. Everett Docklands Innovation District (“EDID”)

1. Intent

- a. To establish zoning regulations in accordance with the land use policy objectives in the City and to encourage comprehensive planning across multiple properties.
- b. To permit development in accordance with a Master Plan Special Permit.
- c. To encourage economic development, job creation and to strengthen the tax base in the City of Everett.

2. Purpose

- a. To permit comprehensive planning and development across a Development Site that would otherwise not be permitted in other zoning districts in the City; to allow a diversity of land uses in close proximity, within a limited area; to facilitate development responsive to current and future market conditions; to facilitate integrated physical design; and to encourage interaction among activities located within the EDID.
- b. To allow for the aggregation and compliance of certain build out standards across a Development Site rather than by individual lots in a Master Plan.

3. Applicability

- a. This section is applicable to all real property within the EDID as shown on the Official Zoning Map of the City of Everett.
- b. All use, parking and dimensional regulations governing land within the EDID are set forth within this section. All other requirements of the Zoning Ordinance that do not conflict with the provisions of this section shall apply to property within the EDID, provided that the Planning Board shall have the discretion to waive any such provisions in approving a Master Plan Special

Permit if it determines such waiver to be in the public interest. Where provisions of the Zoning Ordinance conflict with the EDID, the provisions of the EDID control. Projects developed pursuant to a Master Plan Special Permit shall be subject to site plan review pursuant to Section 11.F of the Zoning Ordinance rather than Section 11.E of the Zoning Ordinance.

4. Master Planned Development Standards

- a. Design Guidelines and Regulations. The Planning Board shall adopt, and may from time to time amend, regulations governing Master Planned Developments, including without limitation regulations governing the design of open space, building design, and roadway layout and design.
- b. Inclusionary Housing
 - i. A Master Plan Special Permit may aggregate required inclusionary housing, thereby allowing certain buildings and development phases to contain fewer inclusionary housing units than would otherwise be required, with construction of the remaining required units deferred to a future phase, if it finds:
 - ii. Adequate surety or conditions of approval will ensure that all inclusionary housing units will be constructed in a timely manner.
 - iii. Aggregation of inclusionary housing units will not result in undue concentration of inclusionary housing units in specific phases or building types.
 - iv. Aggregation of inclusionary housing units is warranted based upon economic or other circumstances.
- c. Building Standards.
 - i. The dimensional requirements applicable to the EDID are in the Table of Dimensional Requirements with the following exceptions.
 - (a) Open space. For purposes of calculating the percentage of open space in a given application, the denominator in the ratio shall include the total site area, excluding: public roads or private roads with easements (including drive lanes and parking areas) and curbs.
 - (b) Limited Access Open Space may comprise up to 20% of the minimum required Open Space, and the remainder shall be Public Access Open Space.
 - (c) 370 ft. is the maximum allowed by the Federal Aviation Administration (“FAA”). The maximum allowed height by the FAA ranges from to 250 ft. to 370 ft. depending on the location within the EDID.

approved Master Plan Special Permit shall only be permitted upon modification of such Special Permit.

(b) Non-Master Plan Developments: “Y” indicates that the use is allowed by right in the district.

iv. Special Permit Uses.

(a) “SP” indicates that a use is allowed only if approved by the Planning Board, in accordance with the special permit review procedures prescribed in this Ordinance.

v. Uses Not Permitted. “-” indicates that a use is not allowed in the district.

vi. Determination of Use Category. For specific uses which are not listed but are clearly within a category listed in the Table of Use Regulations, the Building Commissioner shall determine whether the proposed use is permitted, and if so, into which category it will be classified. The Building Commissioner shall note the applicable use classification in the issuance of a building permit on the EDID.

e. Multiple uses in the same structure within the EDID: There shall be no restriction on combining different categories of use within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Ordinance.

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B
RESIDENTIAL						
Single Family Dwelling	-	-	-	-	-	-
Two Family Dwelling	-	-	-	-	-	-
Three Family Dwelling	-	-	-	-	-	-
Attached Dwelling Development	-	-	-	-	-	-

Multifamily Residential ¹	Y	Y	Y	Y	SP	SP
COMMERCIAL						
Active boating, water taxi, recreational boating	Y	Y	SP	SP	SP	SP
Amusement, including indoor entertainment facilities	Y	Y	Y	Y	SP	SP
Arts Center	Y	Y	Y	Y	Y	Y
Auto showrooms for the sale of automobiles and light trucks, and service facilities which are associated with the sales facilities in the same building	Y	Y	-	-	-	-
Bank	Y	Y	SP	SP	SP	SP
Bar, Pub, Tavern, Cocktail Lounge	Y	Y	SP	SP	SP	SP
Body Art/Tattoo/Piercing Studio	Y	Y	-	-	-	-
Brewery, including on site service and manufacturing	Y	Y	SP	SP	SP	SP
Business, Finance or other Professional Office Use ²	Y	Y	Y	Y	SP	SP
Car wash	-	-	-	-	-	-
Convenience Store	Y	Y	Y	Y	SP	SP
Dance club / night club	Y	Y	-	-	-	-
Entertainment facilities including Concert Venue	Y	Y	-	-	-	-

¹ Residential units may not comprise more than fifty percent (50%) of the gross floor area of the first story of any multifamily residential building. Common amenities, rental and administrative offices, parking or other uses customarily accessory to multifamily residential use shall not count towards this limit. The first stories of each structure containing residential units shall contain one or more commercial uses comprising an area of at least 30 square feet for each residential unit contained within the structure. Such uses may include any of the uses listed as permitted under the “Commercial” category in this use table and may be aggregated across multiple sites to achieve the overall objective of the EDID.

² Including, but not limited to offices for high technology and biotech users.

Fast Order Food Establishment	Y	Y	SP	SP	SP	SP
For Profit Educational Schools, including but not limited to Vocational Schools	Y	Y	Y	Y	SP	SP
Freight or Trucking Terminal	-	Y	-	-	-	-
Gaming Establishment	-	-	-	-	-	-
Gasoline Station	Y	Y	-	-	-	-
Gazebo, outdoor performance space	Y	Y	Y	Y	Y	Y
Grocery Store	Y	Y	-	-	-	-
Hotel	Y	Y	Y	Y	SP	SP
Kennel, pet day care establishment	Y	Y	SP	SP	SP	SP
Marina	Y	Y	SP	SP	SP	SP
Medical Services, including Hospitals, Medical Office Buildings, Community Health Centers, and Urgent Care Centers	Y	Y	Y	Y	Y	Y
Membership Club	Y	Y	SP	SP	SP	SP
Motel	-	-	-	-	-	-
Movie theater or cinema	Y	Y	Y	Y	Y	Y
Neighborhood Market	Y	Y	Y	Y	SP	SP
Parking garage (including sub-surface) provided there shall be no door or driveway for vehicles in connection with any public garage within fifty (50) feet of any Residential sub-district boundary line. A parking garage can be a use on a separate lot or an accessory parking garage that is on a separate lot.	Y	Y	SP	SP	SP	SP
Parking, surface lots as a principal use pending the construction of structured parking pursuant to a master plan special permit (To discuss limitations on time and the public)	Y	Y	-	-	-	-
Recreational use such as bowling alley, arcade, billiards/pool hall, roller rink, tennis courts, swimming, theater, etc.	Y	Y	SP	SP	SP	SP
Resort Casino	-	-	-	-	-	-

Restaurants, not including Fast Order Food Establishments, and provided that there are no drive-through facilities.	Y	Y	SP	SP	SP	SP
Retail sales and services, including large format Retail	Y	Y	SP	SP	SP	SP
Retail sales & service, w/outside storage	Y	Y	SP	SP	SP	SP
Retail sales & service, w/no outside storage	Y	Y	SP	SP	SP	SP
Service and repair stations for automobile or light truck, but not including gasoline stations	-	-	-	-	-	-
Sports/Fitness Facilities; Health Club and Spa	Y	Y	Y	Y	SP	SP
Taxicab business	-	-	-	-	-	-
Transportation related uses including railroad or street railroad passenger stations including customary accessory services therein; not including switching, storage, or freight yards or sidings.	Y	Y	-	-	-	-
Veterinary or pet grooming establishment	Y	Y	SP	SP	SP	SP
Water Taxi or Water Shuttle	Y	Y	Y	Y	Y	Y
Wholesale	Y	Y	-	-	-	-
INNOVATION						
Advanced/Light Manufacturing	Y	Y	SP	SP	SP	SP
Battery Energy Storage Systems	Y	Y	SP	SP	SP	SP
Converter Station	-	Y	SP	SP	SP	SP
Data Center	Y	Y	SP	SP	SP	SP
Retail Electric Vehicle Charging Station	Y	Y	Y	Y	SP	SP
Laboratory	Y	Y	SP	SP	SP	SP
Life Science	Y	Y	SP	SP	SP	SP
Life Science (Manufacturing)	Y	Y	SP	SP	SP	SP
Research and Development	Y	Y	SP	SP	SP	SP
INDUSTRIAL						

Assembly Related Uses	-	Y	-	-	SP	SP
Automotive Supply and Repair	-	-	-	-	-	-
Central heating or cooling plant	-	Y	SP	SP	SP	SP
Electric Generation Plants/Substation (C0221-17)	Y	Y	-	-	-	-
Heavy manufacturing providing there is no outside storage work and there are no emissions of noxious odors, smoke or noise, and no vibration discernible on the exterior of the building.	-	Y	-	-	-	-
Light manufacturing (excluding scrap metal), producing, processing, fabricating, printing, converting, altering, finishing or assembling, entirely contained within the structure with no associated emissions of noxious odors or noise, on a scale requiring not more than a total of five horsepower or steam pressure in excess of 15 pounds gauge pressure. Examples include, but are not limited to, wood cabinetry, modular housing, metal product fabrication, roofing, assembly of plumbing components, HVAC manufacturing, etc.	-	Y	-	-	SP	SP
Manufacture, assembly, processing, packing or other industrial operations associated with medium to heavy industry which involves machining, welding, shearing, forging, stamping or similar operations.	-	Y	-	-	-	SP
Power, gas or fuel generating facilities.	-	Y	-	-	-	-
Storage and sale of building materials or machinery.	-	Y	-	-	-	SP
Storage of goods in containers where all storage is contained within the building, not including storage of any raw or natural materials.	-	Y	-	-	-	SP
Trucking terminals and freestanding product distribution centers.	-	Y	-	-	-	-
Warehouse, Distribution, including E-Commerce, Last Mile, and Same Day Delivery	-	Y	-	-	-	SP

ACCESSORY USES						
Drive-through facilities for first-floor commercial uses in multi-story buildings	Y	Y	SP	SP	SP	SP
Electric car charging station	Y	Y	Y	Y	Y	Y
Home Occupation	Y	Y	-	-	-	-
Hospitality uses customarily accessory to Hotel, including restaurant, bar, spa, etc.	Y	Y	-	-	-	-
Gas stored in quantities below the maximum allowable quantities (MAQs) established for hazardous materials; High-Hazard Group H occupancies as outlined by the Massachusetts State Building Code 780 CMR, the Massachusetts Comprehensive Fire Safety Code 527 CMR 1.00, and their referenced standards	Y	Y	SP	SP	SP	SP
Limo service / driving service	-	-	-	Y	-	SP
Meeting and conference space	Y	Y	Y	Y	SP	SP
Offices of a doctor, dentist or other member of a recognized profession, teacher or musician residing on the premises; provided there is no display or advertising except for a small professional name plate.	Y	Y	Y	-	SP	-
Office	Y	Y	Y	Y	Y	Y
Parking (surface lot) accessory to any permitted principal use (10 or fewer spaces)	Y	Y	Y	Y	Y	Y
Parking (surface lot) accessory to any permitted principal use (greater than ten spaces)	Y	Y	-	-	Y	Y
Solar Uses	Y	Y	Y	Y	Y	Y
Uses accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production.	Y	Y	SP	SP	SP	SP
Wholesale merchandising incidental and subordinate to a primary retail business	Y	Y	Y	Y	Y	Y

EXEMPT						
Agriculture, horticulture or floriculture and the expansion or Agriculture, horticulture or floriculture and the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture or floriculture.	Y	Y	Y	Y	Y	Y
Municipal use such as library, fire station, police station, park, and soldiers' and sailors' memorial building.	Y	Y	Y	Y	Y	Y
Public or charitable institutional building not of a correctional nature	Y	Y	Y	Y	Y	Y
Religious use including church, synagogue, mosque, parish house and Sunday School building.	Y	Y	Y	Y	Y	Y
Nonprofit educational use.	Y	Y	Y	Y	Y	Y
PROHIBITED USES						
Adult Bookstore	-	-	-	-	-	-
Adult Club	-	-	-	-	-	-
Adult Theater	-	-	-	-	-	-
Adult Video Store	-	-	-	-	-	-
Body Piercing Studio	-	-	-	-	-	-
Bulk storage or processing plants involving the use of flammable or combustible liquids, gases or solids.	-	-	-	-	-	-
Check-Cashing Establishment	-	-	-	-	-	-
Bulk storage or processing plants involving the use of flammable liquids, gases or solids.	-	-	-	-	-	-
Fortune Teller	-	-	-	-	-	-
Gas stored in quantities exceeding the maximum allowable quantities (MAQs) established for hazardous materials where not located within High-Hazard Group H occupancies as outlined by the Massachusetts State Building Code 780 CMR, the Massachusetts Comprehensive Fire Safety Code 527 CMR 1.00, and their	-	-	-	-	-	-

referenced standards; or gas stored within ten (10) feet of any street line or party lot line, except in the case of gas contained or generated in fire extinguishers.						
Gun Shop	-	-	-	-	-	-
Industrial operations, either outside or inside the building, which produce outside noxious odors, smoke, steam, or other emissions, or which produce industrial noise or require excessive use of large trucks or trailers or transfer of large amounts of industrial materials.	-	-	-	-	-	-
Industrial plants for the generation of power, steam or any other type of energy involving the use of solid fuel.	-	-	-	-	-	-
Open lot or enclosed storage of coal, coke, sand or similar materials.	-	-	-	-	-	-
Open lot storage, handling or hauling of used materials including, but not limited to building materials, metal junk, scrap, paper, rags or motor vehicles.	-	-	-	-	-	-
Parking (surface lot) as a principal use	-	-	-	-	-	-
Pawn Shop	-	-	-	-	-	-
Salvage operations or junk yard	-	-	-	-	-	-
Uses which produce offensive odors, emissions, fumes, gases, or smoke, which produce noise or vibrations which are discernible beyond the limits of the property lines or which produce dust or waste on the exterior of the building.	-	-	-	-	-	-

5. Parking and Mobility

a. Table of Parking Requirements.

Table of Parking Requirements	
Use	Minimum Required Parking
Bar, Cocktail Lounge, Pub Tavern	1 space for each 6 seats
Churches, Synagogues and other Places of Assembly used as Places of Worship	1 space for each 50 square feet of assembly area
Dwelling, Multifamily	0.75 spaces per unit
Elderly and Handicap Housing	0.5 spaces per unit
Hotel	0.25 Spaces per hotel room
Industrial	1 space per 4,000 SF of GSF
Medical or Dental Office	1 space per 1,000 GSF
Office Use	1 space per 2,000 GSF
Places of Assembly, including Schools, Auditoriums, Museums, Theaters and Cinemas	1 space for each room plus 1 space for each 6 persons designated for the largest single room occupancy
Restaurants	1 space per 600 SF of dining area
Retail Use	1 space per 600 GSF
Warehouse	1 space per 3,000 GSF
All other uses	To be determined by the Building Commissioner based on a similar use in this table, taking into account data as may be submitted by the applicant

b. Notes to Table of Parking Requirements.

- i. If a change of use from one use to another use is proposed and the new use requires a greater number of parking spaces than the existing use, review by the Director of Planning and Development is required. Depending on the permitting requirements applicable to the proposed use, review by the Planning Board may also be required. Required parking can be delivered in any combination of surface, structured parking, freestanding parking garages, (including centralized garages), or parking contained within occupied buildings.
- ii. When the application of the required parking standards in the Table of Parking Requirements results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5

or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

- iii. Parking spaces shall be at least nine feet wide and at least eighteen feet long. At the Applicant's option, up to fifteen percent of required parking spaces may be compact parking spaces, which shall be at least eight feet wide and at least eighteen feet long.
- iv. Any proposed use or building that would not meet the off-street parking requirements of of this section will be subject to the requirements of Section 6.C (Transportation Demand Management).

c. Location of Required Parking.

- i. Newly constructed surface parking for new Development Projects shall be located exclusively at the side or rear of a new building relative to any Street right-of-way. Parking for new construction is not permitted to be located within the required front yard setbacks. Remote parking may be authorized by special permit from the Planning Board.

d. Reduction of Required Parking. Notwithstanding anything to the contrary herein, any minimum required number of parking spaces may be reduced by the Planning Board by up to fifty percent (50%) as a condition of special permit, provided the applicant demonstrates that the fewer parking will not cause excessive congestion, endanger public safety, or that fewer parking spaces will provide positive environmental or other benefits, taking into consideration:

- i. The availability of a sufficient amount, in the opinion of the Planning Board, of available public or commercial parking in the vicinity of the use(s) being served, and including parking dedicated to the use(s) being served; and/or
- ii. The availability of a Fixed Public Transportation Stop within six hundred (600) linear feet of a pedestrian entrance to the Development Project, taking into account the proposed use(s) and the extent to which residents, employees and/or patrons of the proposed use(s) may be reasonably expected to access the site via public transit; and/or
- iii. The availability of shared use of parking spaces serving other uses having peak user demands at different times, may be permitted at the discretion of the Planning Board, shared use may be made of required parking spaces by intermittent use establishments such as certain commercial uses or residential uses whose peak parking demand is only at night and by other uses whose peak demand is only during the day. Where such

shared parking is authorized, the Planning Board shall indicate in its written decision the basis for such reduction and may within the special permit impose conditions of use or occupancy appropriate to such reduction.

6. Administration applicable to EDID

a. Master Plan Special Permits

- i. Amendments: An increase in floor area ratio, height, ground coverage or trip generation of less than 15%, in and of itself, shall not alone constitute a Major Amendment for purposes of Section 11.F of the Ordinance. In addition, changes to uses allocated in Phases approved in a Master Plan Special Permit shall not constitute a Major Amendment, provided that the Director of Planning and Development determines that the overall impacts after the change remain consistent with the impacts identified and mitigated for in the Master Plan Special Permit.
- ii. Mitigation Phasing: In approving a Master Plan Special Permit pursuant to Section 11.F of the Ordinance, if the Planning Board determines, after evaluating the size, complexity, timing and scope of the proposed development, that required mitigation for the Master Plan Development can reasonably be determined at the time of issuance of a Master Plan Special Permit, it may approve a mitigation phasing plan. Alternatively, the Master Plan Special Permit may contain conditions regarding mitigation generally required for the Master Plan Development as a whole and reserving phase-specific mitigation to be determined during site plan review for each separate phase of the development.
- iii. Vesting of Master Plan Special Permits: Significant investment in site work, environmental remediation work or other work conducted pursuant to (including such work performed prior to approval) and in furtherance of the development described in a Master Plan Special Permit and development authorized by a Master Plan Special Permit within, three (3) years of issuance thereof, shall constitute exercise and vesting of the rights granted under the entire Master Plan Special Permit. Provided the Master Plan Special Permit is thus exercised within three (3) years, the development authorized thereunder shall not be subject to amendments to this Ordinance enacted after the date of the Planning Board's vote to approve the Master Plan Special Permit, provided that any Major Amendment of the Master Plan Special Permit shall require compliance with the Ordinance as in effect at the time of amendment. If requested, the Building Commissioner shall be authorized to issue a binding written

determination establishing that the work performed on-site satisfies the vesting provision of this section.

b. Waivers:

- i. For non-Master Plan projects, the SPGA may, within its reasonable discretion, waive application or other procedural special permit or site plan requirements upon a determination that such waivers are insubstantial and are consistent with the intent and purpose of the EDID, but may only waive zoning requirements through the special permit process.
- ii. For Master Plan projects the SPGA may approve waivers as provided in Section 11.F of the Ordinance.

Section 11. Administration and procedures

A. Enforcement

1. **General.** This Ordinance shall be administered and enforced by the Director of Inspectional Services. For the purpose of such administration and enforcement, the following procedures shall apply:
2. **Permit required.** No building or other structure shall be erected, moved, added to or structurally altered until a permit therefor has been issued by the Director of Inspectional Services. All applications for such permits shall be in accordance with the requirements of the Building Code. No building permit shall be issued unless all the provisions of this Ordinance have been complied with, except after written order from the Zoning Board of Appeals.
3. **Certificate of occupancy required.** No land shall be occupied or used and no building or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure shall be used, occupied or changed in use until a certificate of occupancy shall have been issued therefor by the Director of Inspectional Services, stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
4. **Records.** The Director of Inspectional Services shall maintain a record of all certificates of occupancy, and copies shall be furnished to any person having a proprietary or tenancy interest in the building affected.

B. Violations

1. **Complaint.** Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Director of Inspectional Services. The Director of Inspectional Services shall record promptly any such complaint, immediately investigate and take action thereon. The Director of Inspectional Services shall also notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefor, within 14 days of receipt of such request.
2. **Notice.** If the Director of Inspectional Services shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

3. **Penalty.** Violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than \$300.00 per violation and, in addition, shall pay all costs and expenses, including legal fees, involved in the case. Each day such violation continues shall be considered a separate offense. The Director of Inspectional Services may instead choose to enforce these fines noncriminally, in accordance with the provisions of G.L. c.40, Section 21D. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Zoning Board of Appeals

1. **Establishment.** A Zoning Board of Appeals is hereby established, which shall consist of five members to be appointed by the Mayor, subject to the confirmation of the City Council, each for a term of five years and with the term of one appointee expiring each year.
 - a. The Board shall elect annually a chair from its membership, shall appoint a secretary and shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the General Laws, Chapter 40A.
 - b. The Mayor, subject to the confirmation of the City Council, may appoint associate members to the Zoning Board of Appeals. In accordance with Chapter 40A, no more than 2 associate members may be on the Zoning Board of Appeals at any time, and their duties shall be as determined by Chapter 40A.
2. **Powers.** The Zoning Board of Appeals shall have the following powers and duties:
 - a. To hear and decide appeals taken as provided in Chapter 40A of the General Laws.
 - b. To hear and decide applications for special permits where it is specifically designated as the special permit granting authority.
 - c. To authorize upon appeal, or upon petition, a variance from the terms of the Zoning Ordinance, including terms governing allowable use, where, owing to conditions relating to the soil conditions, shape or topography especially affecting such parcel, or conditions affecting such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or, otherwise, to the appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such Ordinance. In exercising the

powers under this subsection, the Board may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter. Rights authorized by a variance that are not exercised within 1 year of the date of the grant of such variance shall lapse.

- d. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, Sections 20-23.
3. **Regulations.** The Zoning Board of Appeals may adopt rules and regulations for the administration of its powers.
4. **Fees.** The Zoning Board of Appeals may adopt reasonable administrative fees and consultant fees.

D. Special permit

1. **Special Permit Granting Authority.** Unless specifically designated otherwise, the Planning Board shall act as the special permit granting authority.
2. **Criteria.** Special permits shall be granted, unless otherwise specified herein, only upon a written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:
 - a. Community needs which are served by the proposal;
 - b. Traffic flow and safety, including parking and loading;
 - c. Adequacy of utilities and other public services;
 - d. Neighborhood character;
 - e. Impacts on the natural environment including greenhouse gas emissions and view; and
 - f. Potential economic and fiscal impact, including impact on City services, tax base, and employment.
3. **Procedures.** An application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority.
4. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

5. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this section.
6. **Fees.** The special permit granting authority may adopt reasonable administrative fees and consultant fees for applications for special permits.
7. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

E. Site plan review

1. **Purpose.** This provision is intended to protect and promote the health, safety, convenience and general welfare of the inhabitants of the City, promote acceptable site planning practices and standards within the City and ensure compliance with the City of Everett Master Plan and good zoning practices.
2. **Applicability.** Site plan review shall be required for:
 - a. Nonresidential structures or outdoor use areas exceeding 10,000 gross square feet.
 - b. Residential structure containing four or more residential dwelling units.
 - c. Ground mounted solar energy system.
3. **Permitting procedures.** Applications for site plan approval shall be submitted and reviewed in accordance with the notice and public hearing procedures for special permits as set forth in G.L. c.40A, §§ 9 and 11.
4. **Rules and Regulations.** The Planning Board may adopt and periodically amend or add rules and regulations relating to the standards, criteria, procedures and administration of this section, including but not limited to submittal requirements, design regulations, construction management, roadway and infrastructure mitigation, and post-approval plan modifications. The Planning Board shall file a copy of said rules and regulations, and any modifications thereto, with the City Clerk.
5. **Decision.**
 - a. The Planning Board shall by majority vote of members present and voting approve, approve with conditions, or deny site plan approval to a proposed Development Project and shall file its decision with the City Clerk.
 - b. The Planning Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name

and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision.

- c. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the requirements of this Ordinance have been satisfied, and may further require provision of an operations and maintenance plan for traveled ways and associated drainage facilities, for sidewalks within public rights-of-way adjacent to the site, and for all common open space and facilities.
 - d. **Criteria for denial.** The Planning Board may deny an application for site plan approval pursuant to this Ordinance only if it finds one or more of the following:
 - i. The development project does not meet the conditions and requirements set forth in this Ordinance; or
 - ii. The applicant failed to submit information and fees required by this Ordinance and necessary for an adequate and timely review of the development project; or
 - iii. It is not possible to adequately mitigate significant adverse impacts on nearby properties or the general public by means of suitable conditions.
 - e. **Waivers.** The Planning Board may within its reasonable discretion waive application or other procedural site plan requirements upon a determination that such waivers are insubstantial and are consistent with the intent and purposes of the Zoning Ordinance.
6. **Modified Site Plan Review (Religious, Nonprofit Educational and Child Care Uses).**
- a. **Applicability.** Religious and nonprofit educational uses, day care centers, and school age child care programs, which are partially excepted from local zoning regulation by G.L. c. 40A, §3, shall be subject to a modified site plan review process.
 - b. **Demonstration of qualification.** In order to qualify for these modified site plan review standards, an applicant must demonstrate that the use qualifies for protection under G.L. c. 40A, §3.
 - c. **General review procedure.** Site plan review for these uses shall be conducted by the Planning Board subject to the review criteria specified hereafter.
 - d. **Waiver of dimensional requirements.** The Planning Board may modify or waive any dimensional requirement of this Ordinance if it determines that

such requirement would be unreasonable if strictly applied to the proposed use.

- e. In reviewing the Site Plan submittal for an exempt use, the Planning Board shall consider the following:
 - i. Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area, which includes, but is not limited to, building coverage requirements, setback sizes, lot areas and setbacks;
 - ii. Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly; and
 - iii. Adequacy of the arrangement of parking and loading spaces and safety of proposed access and egress in relation to the proposed uses of the premises.
7. **Appeals.** The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of G.L. c. 40A §17.
8. **Lapse.** Site Plan Approval shall lapse after three years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

F. Master Planned Development

1. Intent

- a. To utilize dynamic, long-term planning to implement the recommendations of the City for transformational development or redevelopment of land in a comprehensive manner allowing for the conceptual layout of synergistic uses and connections between buildings, social settings, streets and the surrounding environment.
- b. To implement comprehensive planning and permitting to design and create destination districts at underdeveloped properties through the authorization of a long-term plan for future development, while allowing for flexibility to meet changing market demands.

2. Purpose

- a. To allow a Master Plan Special Permit for the coordinated development of land as a Development Site allowing for comprehensive planning and

compliance with the Everett Zoning Ordinance in the aggregate across a Development Site rather than by individual lots.

- b. To provide for foreseeability in the implementation and build out of individual projects, uses and mitigation for approved Master Plans.
- c. Permit some flexibility in the development of individual tracts of land by required and predetermined standards.
- d. To allow for subsequent subdivision and conveyance of separate parts of the Master Plan while maintaining overall compliance.
- e. To provide certainty to the City and project proponents that once a Master Plan is approved, the approved Master Plan is protected against future zoning changes.

3. Applicability

- a. Master Plan Special Permits may be granted by the Planning Board, pursuant to this section for property in any zoning district except Dwelling Districts. The zoning for specific districts may alter the procedures and requirements for Master Plan Special Permits set forth in this section.

4. Definitions applicable to this section

- a. Development Project. A Project undertaken pursuant to this section that requires Master Plan Special Permit and Site Plan Approval.
- b. Development Site. One or more lots on which a Development Project is proposed.

5. Development Review

- a. General: Development approval under this section includes a two-tiered permitting process consisting of:
 - i. Master Plan Special Permit: Development under this section shall require issuance of a Master Plan Special Permit by the Planning Board prior to and as a prerequisite to Site Plan Review; and
 - ii. Site Plan Review: Development of specific structures, uses or other components of a Development Project shall be subject to Site Plan Review by the Planning Board, pursuant to the provisions of this section.
- b. Master Planned Development
 - i. Proposed development or redevelopment of one-half ($\frac{1}{2}$) acre of land or more may proceed as a Master Plan Special Permit.
 - ii. Notwithstanding the creation of separate lots within a Development Site, which are separated by streets, driveways, open space and other buildings

or structures, Development Sites approved under a Master Plan Special Permit shall be permitted to aggregate all project components, including, but not limited to, FAR, parking, and open space, so that any one lot may not comply with otherwise applicable requirements provided that the overall Development Site complies, provided the Planning Board finds that the aggregation adequately serves the area covered by the Master Plan Special Permit. Land containing buildings, structures or open spaces which are part of an approved Master Plan Special Permit may be subdivided and conveyed to third parties as separate lots and remain in compliance with the Master Plan Special Permit, provided such division does not result in any violation of this Ordinance or the requirements of the Master Plan Special Permit.

- iii. Previously permitted development may be included in a Development Site and proposed build out of a Master Plan, provided that the date of the first certificate of occupancy for the subject real property is not more than two (2) years prior to the decision date of the Master Plan Special Permit.
6. Master Plan Standards. An application for a Master Plan Development Special Permit shall include the following:
- a. Quantitative data including:
 - i. Parcel size;
 - ii. Proposed lot coverage of structures;
 - iii. Floor area ratio;
 - iv. Total amount of private open space, both private and public;
 - v. Total number and type of dwelling units by number of bedrooms;
 - vi. Approximate gross residential densities;
 - vii. Total amount in square footage of nonresidential construction by type of use;
 - viii. Number of parking spaces to be provided by use;
 - ix. Total length of streets to be conveyed to the city government;
 - x. Total length of streets to be held as private ways within the development;
 - xi. Total length by type of other public works to be conveyed to the city government;
 - xii. Number and types of public facilities.
 - b. Graphic materials shall include, but not be limited to, the following:

- i. Map of existing site conditions, including contours, water course, floor plains, unique nature features, existing vegetation, soil types, existing buildings;
 - ii. Map of existing land use;
 - iii. Existing and proposed lot lines;
 - iv. Location and size of gross floor area of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, and nonresidential structures by use;
 - v. Location and size in square feet of all private open space and areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
 - vi. The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and all points of access to existing public rights of way;
 - vii. Proposed pedestrian circulation system;
 - viii. Existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
 - ix. General landscaped plan indicating the treatment of materials used for private and common open spaces;
 - x. Description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape;
 - xi. Proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls.
- c. A transportation impact and demand analysis conducted by a qualified transportation engineer. The analysis shall include:
- i. Traffic counts on arterial streets that provide access to the development site showing data on average daily traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into 15-minute segments);
 - ii. Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours divided into 15-minute segments);
 - iii. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of pedestrian, bicycle and

- other transit infrastructure and accommodations and the condition of any such infrastructure and accommodations;
- iv. Estimated trip generation showing the projected inbound and outbound trip demand for the a.m. and p.m. peak periods and a typical one-hour off-peak trip generation. Estimated trip generation shall be delineated by mode, including single-occupancy vehicle (“SOV”), mass-transit and any other applicable mode of transportation. For purposes hereof, trips utilizing ride share services shall be considered SOV trips;
 - v. A comprehensive Transportation Demand Management Plan.
 - vi. The estimated distribution of new vehicle trips by approach streets;
 - vii. The effect of additional traffic generated by the development on impacted intersections and roadways;
 - viii. Estimated off-street parking and loading requirements and time of peak accumulation.
- d. Submitted master plans must propose and detail sustainability and climate resiliency measures, including but not limited to the following:
- i. Identification of all master plan scale efforts to mitigate project impacts to the environment;
 - ii. A storm water management and infrastructure plan demonstrating incorporation of best management practices relative to the control and treatment of storm water within the Master Plan Development;
 - iii. Use of best available environmentally sustainable building and infrastructure design to the maximum extent reasonably practicable.
- e. Submitted master plans must include: proposed development phasing for buildings, open space, infrastructure, mitigation projects and other improvements.
- f. If the Planning Board determines, after evaluating the size, complexity, timing and scope of the proposed development, that required mitigation for the Master Plan Development can reasonably be determined at the time of issuance of a Master Plan Special Permit, it may approve a mitigation phasing plan. Alternatively, the Master Plan Special Permit may contain conditions regarding mitigation generally required for the Master Plan Development as a whole and reserving phase-specific mitigation to be determined during site plan review for each separate phase of the development.

7. Streets and open space

- a. Streets and open space provided in any Master Plan shall be shown on submittals for a Master Plan Special Permit.
- b. Any streets or open space created as part of a Master Plan may be dedicated to the public in perpetuity by a covenant or other deed restriction or by transfer to the City in fee or by easement, subject to the City's acceptance of any such interest, without impacting the FAR or other dimensional criteria of the approved Master Plan Special Permit.
- c. Open space created through easement or discontinuance of an existing street or other abutting right-of-way within the Development Site may be counted toward any required amount of open space required by this section or otherwise by the Ordinance.
- d. Roadway design shall be consistent with best practices for urban, multi-modal neighborhoods. Proponents should refer to example guidelines including National Association of City Transportation Officials ("NACTO") design guidance, the City of Boston's Complete Streets Design Guidelines and MassDOT's Bicycle Facilities guide. Arterial roadways shall be designed to accommodate existing transit services and, when practicable, should accommodate any planned or anticipated transit services identified by planning staff during Pre-Submittal Meeting.

8. Master Plan Development Standards

- a. Sustainable Development: At a minimum, each phase of a Master Plan Development must, to the maximum extent reasonably practicable, be developed in accordance with all best practices with respect to sustainable development standards at the time when each phase undergoes Site Plan Review.
- b. Parking and Mobility
 - i. Motor vehicle parking may be provided as underground or aboveground structured parking, surface parking (on and off street) or as shared parking (parking for multiple uses during alternating peak times).
 - ii. Development subject to a Master Plan Special Permit may provide parking pursuant to the provisions of the zoning district in the aggregate across the Development site and locate parking serving any property or use within the Master Plan on any property within the Development Site regardless of location or ownership and such parking may be allocated among the properties within a Development Site at the discretion of the project proponent, subject to the special permit granting authority

determining that the aggregation adequately serves the area covered by the Master Plan Special Permit.

- iii. Parking facilities shall be designed to be sufficient to adequately serve the Master Plan Development but shall not be designed to encourage use of SOVs. All reasonably practicable measures shall be taken to maximize the non-SOV mode share and to minimize the amount of SOV parking within the Development Site.

9. Master Plan Special Permit Process

- a. Purpose: A Master Plan Special Permit authorizes a long-term plan for future development and for an applicant to move forward with subsequent Site Plan Review.
- b. Applicability: Approval of a Master Plan Special Permit authorizes the applicant to submit applications for subsequent Site Plan Review required by this Ordinance only and vests the right to develop property in accordance with the Master Plan.
- c. Procedures
 - i. The following review procedures are required:
 - (a) Step 1: Pre-Submittal Meeting with Planning Staff
 - (b) Step 2: Application Review and Staff Report
 - (c) Step 3: Public Notice
 - (d) Step 4: Public Hearing
 - (e) Step 5: Decision
 - (f) Step 6: Appeal Period
 - (g) Step 7: Certification of Decision and Recording
 - ii. The review procedures required for a Master Plan Special Permit may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits, as indicated elsewhere in this Ordinance.
- d. Review Criteria
 - i. In its discretion to approve or deny a Master Plan Special Permit, the Planning Board shall make findings considering, at least, each of the following:
 - (a) The intent of the zoning district.
 - (b) Existing plans and standards established by the City.

- (c) The gross floor area allocated to different use categories.
 - (d) The proposed alignment and connectivity of the streets in the Development Site and their relationship to streets outside the Development Site.
 - (e) Mitigation proposed to alleviate any adverse impacts on municipal and utility infrastructure.
 - (f) Proposed development and mitigation phasing.
 - (g) Proposed parking to address demand by residents and users of the proposed uses.
 - (h) Aggregation of parking, open space or other requirements, if proposed in the Master Plan, is acceptable.
 - ii. Waiver: The Planning Board may approve a Master Plan Special Permit that deviates from the standards of this section upon a finding that such waiver(s) will not adversely affect public safety and will equally or better serve the purposes of the zoning district in which the Development Site is located.
 - iii. When considering a revision to a previously approved Master Plan Special Permit, the Planning Board shall limit its review to the proposed changes to the previously approved application.
 - e. Conditions
 - i. The Planning Board may attach reasonable conditions and limitations that it deems necessary or appropriate.
 - ii. Conditions must have a reasonable nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The Planning Board shall require applicants to provide for infrastructure mitigation, transportation mitigation, and community impact mitigation as a condition of any Master Plan Special Permit.
 - iv. The Planning Board and the Building Department shall establish construction permitting requirements for the phasing of development, if applicable, as a condition of any Master Plan Special Permit.
 - f. Permit Duration and Extension
 - i. Master Plan Special Permits remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal, and remain valid so long as

progress is being made in accordance with the approved phasing of development. The nature and extent of work necessary to constitute exercise of a Master Plan Special Permit may be specified in the zoning for individual districts or in the Master Plan Special Permit.

- ii. The Planning Board may reduce the time period that a Master Plan Special Permit remains valid to a shorter time period as a condition attached to the permit for projects of less than two acres or 200,000 square feet of gross floor area.
 - iii. The Planning Board may extend the duration of validity for a Master Plan Special Permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
- g. Amendment of a Master Plan Special Permit.
- i. Major Amendments. A proposed amendment to a Master Plan Special Permit shall be presented to the Director of Planning and Development, who shall, within thirty days, determine whether the proposed amendment is a major amendment or a minor amendment. If the amendment is determined to be a major amendment, it shall require approval by the Planning Board after a public hearing held in accordance with the provisions of G.L. c.40A, §§9 and 11. The following matters generally will be considered major amendments:
 - (a) Increases in floor area or ground coverage by ten percent (10%) or more across the Development Site;
 - (b) Substantial changes to the roadway networks, access or other infrastructure serving the Development Site;
 - (c) Addition of one or more uses not approved in the Master Plan Special Permit; or
 - (d) results in a condition that the Director of Planning and Development determines to be substantially more detrimental to the surrounding neighborhood or the City than the existing condition(s) and approved plans.
 - ii. Minor Amendments. Any other modification shall be considered a minor amendment. Minor amendments shall require the approval of the Director of Planning and Development.
 - iii. When considering an Amendment to a Master Plan Special Permit, review shall be limited to the proposed revision to the parcel or phase with proposed changes to the previously approved Master Plan but may

include aggregation of the impacts of the proposed amended plan as a whole.

- h. Appeals. The appeal of any decision of the Planning Board regarding a Master Plan Special Permit or amendment thereto shall be made in accordance with the provisions of G.L. c. 40A §17.

10. Site Plan Review Process for Approved Master Plan Special Permits

- a. Purpose: Site Plan Review is the administrative review and approval of a development to confirm compliance with the provisions of this section and an approved Master Plan Special Permit so that the development is conforming to the provisions of this Ordinance and adequately addresses any potential impacts.
- b. Applicability:
 - i. Site Plan Review is required for any development, including buildings, open space and streets, subject to a Master Plan Special Permit.
 - ii. The provisions of this section relating to Site Plan Review supersede the requirements for Site Plan Review found otherwise in this Ordinance.
- c. Authority
 - i. The Planning Board is the decision-making authority for Site Plan Review within an approved Master Plan Special Permit.
 - ii. Waiver: The Planning Board may within its reasonable discretion waive application or other procedural requirements for Site Plan Review within an approved Master Plan Special Permit upon a determination that such waivers are insubstantial and are consistent with intent and purposes of the zoning district.
- d. Procedure
 - i. The following review procedures are required:
 - (a) Step 1: Pre-Submittal Meeting with Planning Staff
 - (b) Step 2: Application Review & Staff Report
 - (c) Step 3: Public Notice
 - (d) Step 4: Public Hearing
 - (e) Step 5: Decision
 - (f) Step 6: Appeal Period
 - (g) Step 7: Certification of Decision and Recording

- ii. The Planning Board shall have 90 days from the time of submittal of a complete Site Plan Review application to render its decision.
- e. Review Criteria
 - i. The Planning Board's review of an application for Site Plan Review shall be limited to the following criteria:
 - ii. Compliance with the approved Master Plan Special Permit, including:
 - (a) The bulk and height of any proposed structure(s) and accessory structure(s), adequacy of open spaces, the building coverage on the site, yard sizes (setbacks) and lot areas;
 - (b) The physical layout of the structure(s), driveways, parking areas, utilities and other infrastructure;
 - (c) The design of the exterior building facade and materials and fenestration, including compliance with the Everett Design Regulations promulgated by the Planning Board;
 - (d) The adequacy of the arrangement of parking, drop-off/pick-up and loading areas in relation to the proposed use of the site; and
 - (e) The adequacy of the phased mitigation attributable to the project undergoing site plan review based on the mitigation phasing set forth in the Master Plan Special Permit.
 - iii. Adequate parking shall be provided in compliance with the Master Plan Special Permit either on the proposed lot or otherwise within the Development Site.
 - iv. The site drainage shall be designed in accordance with applicable provisions of the Zoning and General Ordinances.
 - v. The design and adequacy of the sewage disposal system(s) to serve the proposed development shall be in accordance with water and sewer department requirements.
 - vi. The site plan shall demonstrate conformance with applicable lot area, setback and height regulations pursuant to the Master Plan Special Permit for the zoning district.
 - vii. The Planning Board shall approve an application for site plan approval in the form submitted or with reasonable conditions which shall pertain to this section unless the Planning Board finds that the application is incomplete or otherwise not in conformance with the applicable provisions of the Zoning Ordinance.

- viii. Waiver: The board may, after review of the completed application and at its discretion, waive certain criteria if it deems it appropriate.
 - ix. When considering a revision to a previously approved Master Plan Special Permit, the Planning Board shall limit its review to the proposed changes to the previously approved application and any material changes in circumstances relating to the infrastructure serving the development area subsequent to issuance of the Master Plan Special Permit.
- f. Conditions
- i. The review board may attach reasonable conditions and limitations that it deems necessary or appropriate in order to ensure compliance with the Board’s findings and the standards for granting of a Site Plan.
 - ii. Conditions must have a reasonable nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
- g. Permit Duration and Extension
- i. Approval of a Site Plan will remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal, and remain valid so long as progress is being made in accordance with the approved phasing of development.
 - ii. The Planning Board may extend the duration of validity for a Site Plan upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Site Plan.
- h. Amendment of a Site Plan Approval.
- i. Proposed revisions to an approved site plan shall be submitted to the Director of Planning and Development.
 - ii. Minor Amendments. Revisions deemed minor by the Director of Planning and Development (or designee) may be approved without a public hearing. Revisions shall be considered de minimis upon the Director of Planning and Development findings that:
 - (a) The proposed changes would not contravene the legal notice, any finding, or condition of the Planning Board in the original approval;
 - (b) The proposed changes would not detrimentally impact matters of substance identified in meeting minutes of original hearings;
 - (c) The proposed changes would not alter the character of the development; and

- (d) The proposed changes would be so insignificant as not to be noticeable to persons generally familiar with the original approval.
- iii. Major Amendments. Revisions that are not minor shall be subject to the full notice and hearing provisions and shall be submitted to other City boards, departments and agencies for review and comment.
- iv. When considering an amendment to an approved Site Plan Approval, review shall be limited to the proposed revision to the previously approved Site Plan Approval and any material changes in circumstances relating to the infrastructure serving the parcel or phase with proposed changes subsequent to issuance of the Master Plan Special Permit.
- i. Appeals: The appeal of any decision of the Planning Board regarding a Site Plan Approval or amendment thereto shall be made in accordance with the provisions of G.L. c. 40A §17.

Section 12. Definitions

A. Applicable terms

In this Ordinance, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Ordinance. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this Ordinance.

B. Defined terms

Accessory building/structure: A building or structure devoted exclusively to a use accessory to the principal use of the lot.

Accessory: A use customarily incidental and subordinate to, and on the same lot or group of lots as a conforming principal use, and as referred to in this chapter also means a use which does not alter or impair the character of the premises on which it is located or of the neighborhood.

Accessory dwelling unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements..

Affordable housing: Housing units set aside exclusively for low or moderate income renters or buyers, that remain affordable through long term restrictions.

Alterations, structural: Any change or rearrangement in the supporting members of a building, such as bearing walls, columns, beams or girders.

Basement: A portion of a building partly underground but having more than one-half of its clear height below the average grade of the adjoining ground.

Buffer zone: Areas of land maintained in a landscaped fashion or in a natural state that are open, unpaved and unbuilt upon; for the purposes of this Zoning Ordinance, crushed stone shall not be considered as an appropriate buffer zone treatment.

Build-to-line: The line with which the exterior of a building must coincide.

Building area: The total area, expressed in square feet, of all floors of a building or structure measured to the exterior walls thereof.

Building height: Building height shall be measured from the average elevation of the proposed finished grade at the front line of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.

Building line: The line of a building face, which face shall include cornices projecting more than 12 inches, balconies, sun parlors, covered porches and entrances, whether enclosed or unenclosed, but shall not include steps.

Building, attached: A principal building separated from another principal building on one or both sides either by a vertical party wall or walls or by a solid contiguous wall or walls without any side setbacks.

Building, detached: A principal building which is substantially separated by setbacks or courts from any other principal structure.

Building, principal: Any building devoted to a principal use or, for determining the dimensional requirements of this chapter in the case of an open principal use.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof."

Conversion: Any residential building containing one or more dwelling units that is altered by interior and/or exterior changes so as to increase the number of dwelling units in the building to some number greater than (i) the existing number of dwelling units or (ii) the number of dwelling units the building was originally designed for. Further, any commercial building for which a residential or industrial reuse is proposed, or any industrial building for which a residential or commercial reuse is proposed, shall be considered a conversion and shall be subject to the appropriate regulations of this Ordinance.

Coverage of lot: The percent of the total lot area occupied by the principal structure exclusive of unenclosed porches and bay windows.

Development: A specific project or phase of a project, requiring the approval and permitting of the City and potentially other public agencies of the Commonwealth of Massachusetts.

Driveway: An open space located on a lot, which may be paved, built for access to a garage or off-street parking or loading space(s).

Dwelling Unit: A building or portion thereof providing complete housekeeping and cooking facilities for one family, as defined by the Commonwealth of Massachusetts State Building Code Regulations and Standards 780 CMR, but excluding: a congregate living complex, elderly housing, group residence, homeless shelter, hotel, motel, orphanage, temporary dwelling structure, and transitional housing.

Family: An individual, or two or more persons occupying a dwelling unit and living together as a single, non-profit housekeeping unit; provided that a group of five or more persons who are not kindred to each other, as defined by civil law, shall not constitute a Family.

Fence: A man-made barrier intended to divide or mark a boundary between lots or parcels of land.

Fixed Public Transportation Stop: A stop on a system using buses, vans, light rail, rail, or other vehicles to operate on a predetermined route according to a predetermined schedule. For the purposes of this Ordinance such stop shall be located within 30 feet of weather protected seating and provisions for bicycle parking.

Floor area ratio (FAR): Gross floor area of all buildings on the lot measured in square feet, divided by the total square footage of the Lot, expressed as a decimal number. FAR shall not include structured parking.

Frontage: The distance measured as a straight line along the street between the intersection of the street boundary and the lot lines or along the curve of the street and the intersection of the street boundary and the lot lines. Or, the distance measured parallel to the intersection of the street boundary and the lot lines at a distance of 25 feet measured on a line perpendicular to the line between the intersection of the street boundaries and the lot lines.

Game: A banking or percentage game played with cards, dice, tiles, dominoes or an electronic, electrical or mechanical device or machine played for money, property,

checks, credit or any other representative of value which has been approved by the commission.

Gaming: Dealing, operating, carrying on, conducting, maintaining or exposing any game for pay.

Green Roof: Area atop a roof surface on a building that is covered by a layer of living vegetation planted in a minimum of 4 inches of growth medium over a waterproofing system (also known as a vegetated roof).

Gross floor area: The sum of areas of the several floors of buildings including areas potentially used for human occupancy in attics and penthouses, as measured from the exterior faces of the walls, not including basements or cellars, unenclosed porches, or any floor space in accessory buildings or in the principal building intended and designed for the parking or loading of motor vehicles.

Height: The vertical distance of the highest point of the roof beam in the case of a flat roof and of the mean level of the highest gable of a sloping roof as measured from the average finished grade at the perimeter of the building.

Household: All the people who occupy a single dwelling unit, regardless of their relationship to one another.

Impervious coverage: The portion of a lot that is covered with impervious surfaces, including but not limited to buildings, impervious driveways and parking areas, access roads, sidewalks, tennis courts, above-ground and in-ground swimming pools, concrete air conditioner pads, decks that do not allow rain water to be directly absorbed by the ground, patios, or any other material placed on or above the earth which substantially reduces or prevents the natural percolation of water.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning cannot be used for its original purpose as readily as when new shall be considered junk.

Landscaped: Land fully developed and maintained to present a pleasant appearance, screen adjacent land uses, provide for stormwater retention and groundwater recharging, and to stabilize the soil, using primarily non-invasive vegetation and natural features of the site.

Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent (whether in money or services) which may include an allowance for meals; and who is not a member of the housekeeping unit.

Lot: A parcel of land under one sole or undivided ownership separate from that of any adjoining lots.

Lot area: The horizontal area of the lot exclusive of any area in a public or private way.

Lot depth: The unbroken horizontal distance on a lot measured from the street line on which the lot has frontage.

Lot line, front: A lot line along which the lot has frontage. Only one lot line may be designated as a front lot line. If the lot has frontage on two or more sides, then among those, the lot line most nearly parallel and closest to the front of the structure shall be the front lot line.

Lot line, rear: The boundary of a lot which is opposite or farthest from a front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot line: Any boundary of a lot.

Lot width: The unbroken horizontal distance on a lot measured perpendicular to and at all points on the required depth. Within the required front setback, the required frontage may be substituted for the width.

Lot, corner: A lot situated at the junction of two or more streets that meet in such a way that the angle between their centerlines in the sector occupied by the lot is less than 135 degrees.

Lot frontage: The required length of the street line of a street abutting the lot in question over which pedestrians and automobiles have legal and easy physical access onto that lot. The end of streets without a turning circle shall not be considered frontage.

Lot: A parcel of land laid out by plan or deed duly recorded, used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership with definite boundaries and not divided by a street, nor including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

Mixed use development: A development that combines residential with retail or service uses within the same building or on the same site.

Nonconforming structure: A structure that does not conform to the dimensional, accessory building, sign, parking, or loading regulations of this chapter, or that is located on a lot that does not conform to any such regulations, but which was in existence at the time the regulation became effective and was permitted at the time the structure was built.

Nonconforming use: A use of a building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located, but which was in existence at the time the use regulation became effective and was permitted at the time the use was established.

Occupied: Shall include the words "designed, arranged, or intended to be occupied".

Green space: A ground level or upper story outdoor landscaped area including, but not limited to, natural woodlands, yards, forecourts, courtyards, green roofs, and open spaces.

Open Space: An area of land such as a square, green, park, and linear park which is located and designed for access by residents, employees and/or patrons, including provision for access by pedestrians and/or bicyclists for passive or active recreation and landscape buffers around structures.

Open Space (Limited Access): An area of land or outdoor built space such as a square, green, park, linear park, water feature, stormwater garden, landscape buffer, planting zone, bike lane, sidewalk, shared-use path, balcony, or roof deck which is located and designed for access primarily or exclusively by residents, employees and/or patrons of a Development Project, including provision for access by pedestrians and/or bicyclists for passive or active recreation.

Open Space (Public Access): An area of land or outdoor built space such as a square, green, park, linear park, water feature, stormwater garden, landscape buffer, planting zone, bike lane, sidewalk, shared-use path, balcony, or roof deck which is located and designed for access by the public 24 hours a day, 7 days a week, including provision for access by pedestrians and/or bicyclists for passive or active recreation.

Operator: A natural person who is the owner, or lessee of the owner, of a residential unit that seeks to offer said residential unit as a short term rental.

Parking garage or parking area: A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair, of noncommercial motor vehicles and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use.

Permeable area: The landscaped area of a lot plus any area covered by porous asphalt, pervious concrete, paving stones, or grass pavers.

Primary residence: A residential unit in which an operator resides for at least nine months out of a 12-month period. Primary residence shall be demonstrated by showing that as of the date of usage as a short term rental, the operator has resided in said residential unit for at least nine of the past 12 months or that the operator intends to reside in the residential unit for nine of the next 12 months, in accordance with the proof of primary residence requirements set forth below.

Principal use: The primary use of the Building or Lot, as the context may require.

Repairs: Work of a reconstruction or renewal nature on any existing part of a building or structure but excluding a structural alteration.

Retaining wall: A structure in the form of a wall for holding in place a mass of earth or the like at the edge of a terrace, excavation or property line provided that any retaining wall located along a property line and extending more than six feet above the average finished grade of the adjacent lot(s) shall be considered an accessory building and must conform to the setback and height restrictions for accessory buildings.

Right-of-way line: A line separating a public street or way from a lot.

Screening: A natural occurrence or a man-made device which shields from view various land use activities.

Security barrier: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Setback: The minimum horizontal distance from the lot line or street line to the nearest part of the building structure or building part except as otherwise noted.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which such device is located, whether such device is a separate structure or object or attached to or painted on another structure or object.

Solar energy system: A system designed for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating, as further defined in M.G.L.A. c. 40A, § 1A.

Special permit use: A use which would not be appropriate generally or without restriction throughout the district but which, if controlled in a neighborhood, would promote the public health, safety, convenience, morals and welfare of the City's inhabitants.

Special permit: Permission to make use of land or to erect and maintain buildings or other structures thereon in specified instances after application for a special permit for an exception and the granting thereof by the City Council or Zoning Board of Appeals in accordance with the provisions of this chapter and M.G.L.A. c. 40A.

Story, half: A story used or designed to be used for human occupancy that has a floor area measured seven feet vertically from the floor of not than one-half the area of the floor next below.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street line: The boundary separating a lot from the street on which it abuts.

Street: A public way or a private way which is open to the public or dedicated to public use and has, in the opinion of the Planning Board, adequate width, suitable grades and sufficient construction for the intended use..

Structure: A combination of materials assembled or maintained at a location on a lot above or below ground to give support or shelter, including without limiting the generality of the foregoing, a bin, bridge, building, fence, flagpole, framework, platform, retaining wall, reviewing stand, sign, stadium, swimming pool, tank, tent, tower, trailer without wheels, trestle, or tunnel. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall require a permit from the Director of Inspectional Services.

Use, principal: The main use on a lot.

Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Utility: A system of wires or conductors and supporting structures that functions in the transmission of electrical energy or communication services (both audio and video) between generating stations, sub-stations, and transmission lines or other utility services.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Way: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard: An open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

Yard, front: The yard lying between the front lot line and the principal structure and bounded by the side lot lines. The minimum front yard is measured horizontally between the nearest point of the principal structure and the front lot line.

Yard, rear: The yard lying between the rear of the principal structure and the rear lot line and bounded by the side lot lines. The minimum rear yard is measured horizontally between the nearest point of the principal structure and the rear lot line.

Yard, side: The yard lying between the side of the principal structure and the side lot line, and bounded by the front and rear yards. The minimum side yard is measured horizontally between the nearest point of the principal structure and the nearest adjacent side lot line.

C. Definition of uses

In this Ordinance, uses are defined in the following manner.

1. Residential

a. **Communal:** Residential structures designed for shared living arrangements, including:

- i. **Group housing:** A building used by individuals, related or unrelated, to live as a single housekeeping unit, including shared common spaces like kitchens and living rooms with private bedrooms for each resident, compliant with 780 CMR, 310.1.
- ii. **Lodging house:** A building in which living space, without individual kitchens and with or without kitchen privileges, is designed, occupied, or intended for occupancy by, or let for compensation to persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth, as defined in G.L. c.140, s.22.
- iii. **Senior housing facility:** A building designed to house older adults, such as assisted living facilities, continuing care facilities, independent living

facilities, or long-term care facilities, including as regulated by G.L. c. 93, s.76.

- b. **Multifamily:** Residential buildings designed to house four or more separate households, including:
 - i. Apartment building: A building containing four or more apartments or housing units, each serving as a separate household residence.
 - ii. Multifamily residential developments: Multiple buildings on a single lot, each containing two or more apartments or housing units, that are collocated and managed together.
 - iii. Attached dwelling development: A combination of multiple housing units on a shared parcel or parcels that are attached to one another but each with its own access and egress and serving as a separate residence, such as townhouses or row houses.
 - iv. Age-restricted building: A multi-family residential building designed for and restricted to residency by older adults.
- c. **Single-family:** A residential building designed to house one household or family unit, and which may also include an accessory dwelling unit, including:
 - i. Detached: A standalone residential building specifically intended and designed to house one dwelling unit. This building does not share walls with adjacent structures, and typically includes its own cooking, living, and sanitation facilities. It is situated on a separate parcel or lot.
 - ii. Attached: A residential building sharing one or more walls with adjacent units. Each unit, while physically connected to others, rests on its own parcel of land.
- d. **Two-family:** A residential building designed to house two separate households or family units within a single structure, including:
 - i. Side-by-Side Two-Family: A building with two housing units attached in a side-by-side configuration and sharing one or more walls, such as townhouses or row houses.
 - ii. Stacked Two-Family: A building with two housing units stacked one above, such as a double-decker.
 - iii. Other Two-Family: A building with two housing units configured in some other way on a single parcel.
- e. **Three-family:** A residential building designed to house three separate households or family units within a single structure, including:

- i. **Side-by-Side Three-Family:** A building with three housing units attached in a side-by-side configuration and sharing one or more walls, such as townhouses or row houses.
- ii. **Stacked Three-Family:** A building with three housing units stacked one above the other, such as a triple-decker.
- iii. **Other Three-Family:** A building with three housing units configured in some other way on a single parcel.

2. **Commercial**

- a. **Assembly:** Facilities designed for social, cultural, and recreational activities that involve gatherings of people, including:
 - i. **Private club or lodge:** A facility used by non-profit social, sports, or civic organizations, catering exclusively to members and their guests for social, civic, recreational, or athletic purposes. Commercial activities are limited to concessions for members and organizational fundraising.
 - ii. **Place of assembly:** A commercial facility such as an auditorium, museum, theater, cinema, or similar facilities used for public gatherings, cultural, or educational purposes.
 - iii. **Entertainment, arts, and recreation venue:** A commercial facility such as a dance club, night club, concert venue, concert hall, movie theater, gazebo, creative arts and performance, or recreational facility such as a bowling alley, arcade, billiard/pool hall, or roller rink.
 - iv. **Meeting and conference space:** A facility designed to host meetings, conferences, and other organized gatherings, which can be part of larger establishments like hotels.
- b. **Automotive:** Facilities used for business activities associated with motor vehicles, including:
 - i. **Gasoline Station:** A facility designed to sell and dispense gasoline, oil, and related products, sometimes offering limited auto repair services such as tire service and repair (excluding recapping or re-grooving), and minor part replacements or adjustments without involving major engine components.
 - ii. **Motor Vehicle Sales or Leasing:** A premises used for the sale or lease of new or used motor vehicles pursuant with M.G.L. c. 140, § 58, such as showrooms and associated service facilities, supplying fuel, oil, lubrication, washing, or minor repairs, but excluding body work or painting.

- iii. **Motor Vehicle Repair and Service:** A facility designed for storage, servicing, repair, maintenance, or cleaning of motor vehicles, such as auto body repair, mechanics, tire shops, oil change centers, auto repair shops.
- iv. **Motor Vehicle Rental Station:** A facility offering motor vehicles for rent on a short-term basis.
- v. **Automotive Parts and Accessories:** An establishment involved in the distribution, sales, or service of automobile parts and accessories, but not including major repair or service operations.
- vi. **Car Wash and Light Service Station:** A facility primarily engaged in washing motor vehicles or providing light services like fuel dispensing, with other minor sales and repair activities being secondary.
- vii. **Specialized Automotive Services:** An establishment such as taxicab businesses, limousine services, and other driving services, where the primary function is the provision of transportation rather than vehicle sales or maintenance.
- viii. **Electric Vehicle Charging Station:** As a principal use, a retail location for the charging of electric vehicles, including accessory retail services.
- c. **Bars, pubs, or taverns:** An establishment primarily offering alcoholic beverages for consumption on the premises, sometimes along with food as a secondary offering.
- d. **Bed and breakfast:** Establishments that provide temporary accommodations to transient guests in not more than six bedrooms, and not to serve as a long-term or primary residence, in residential settings, including a lodging establishment within a converted house or small former apartment building. Bed and breakfast establishments shall not have cooking facilities in guest rooms.
- e. **Eating place:** Establishments where food and beverages are sold and consumed, including:
 - i. **Restaurant:** An establishment offering food and beverages for consumption on the premises, such as traditional restaurants, speciality eateries, and fine dining.
 - ii. **Fast Order Food:** An establishment offering food and beverages intended for immediate consumption on the premises or off-site. Such establishments often sell premade or fast-order food and typically do not offer table service.

- iii. Hospitality-Related Eating Place: A facility offering food and beverage service that is accessory to lodging uses, including restaurants, bars, and similar establishments.
- iv. Lunchroom or Cafeteria: An establishment offering a food and beverage service in a casual, quick-service dining experience, such as buffet restaurants and ice cream shops.
- f. **Gaming:** Facilities that primarily provide gaming entertainment, including:
 - i. Casino or Slots Parlor: An establishment offering gaming options such as slot machines, table games, and other forms of casino-style gaming.
 - ii. Resort Casino: A comprehensive entertainment complex that combines a casino with additional amenities such as hotels, restaurants, bars, retail spaces, meeting areas, health clubs, spas, and both indoor and outdoor entertainment spaces as defined under a category 1 gaming license by the Massachusetts Gaming Commission under G.L. c.23K.
- g. **Hotel:** Establishments that provide temporary accommodations to transient guests, and not to serve as a long-term or primary residence, including a lodging facility with rooms that may include ancillary offerings such as food and beverage service, fitness, and meeting rooms.
- h. **Indoor telecommunications:** Facilities primarily used for indoor telecommunication purposes, including:
 - i. Data Center: A use involving a building or premise in which the primary use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred, and/or stored.
 - ii. Telecommunications Buildings: A facility used to house equipment and technologies used for telecommunications services, such as exchanges, switching equipment, and other related hardware.
 - iii. Server Farm: A facility used to house networked computer servers for purposes such as remote or cloud data storage, processing, or distribution.
 - iv. Telephone Central Buildings: A building used for the central operation of telephone networks, excluding facilities that have associated garages or setbacks used for service vehicles or additional storage.
- i. **Office and creative enterprise:** Facilities where professional, medical, creative, and general business activities are conducted, from conventional business transactions to specialized professional services, including:

- i. **Professional:** An office used for the transaction of business or the provision of services, excluding the receipt, sale, storage, or processing of merchandise, such as offices for attorneys, accountants, realtors, bankers, financial advisors, counselors, and similar professions, as well as shared office and coworking spaces.
- ii. **Medical or dental:** An office used for the medical or dental examination or treatment of patients as outpatients, including clinics offering ambulatory, outpatient medical, surgical, physical, mental health, or dental services, and associated laboratories, but not including emergency medical facilities as hereinafter defined.
- iii. **Creative enterprises:** A space used by artists for the creation of artwork and by design professions, including: architects and industrial designers; media production such as video production and editing; performance art rehearsal spaces; arts exhibition; art sales or services; co-working; design services; and arts education.
- iv. **Artisanal production:** A space used for on-site production of hand-fabricated or hand manufactured parts and custom or craft consumer goods based on the skill and knowledge of the artisan and the use of hand tools or small-scale, light mechanical equipment. The artisanal production category includes apparel manufacturing, cabinetry, furniture making, glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents. Showrooms and the ancillary sales of goods produced on-site are permitted. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect is prohibited.
- j. **Outdoor commercial storage:** Premises used for outdoor storage and light maintenance and repair of equipment associated with commercial establishments and activities, including:
 - i. **Trade Yard:** An outdoor space used by contractors for storing equipment, vehicles, materials, and supplies related to their trade, such as construction companies, landscaping businesses, electricians, plumbers, HVAC, and other service contractors.
 - ii. **Storage and sale of building materials or machinery:** A facility used for storing and selling construction materials or machinery, such as lumber yards, hardware stores with large outdoor storage areas, and machinery dealerships.

- iii. **Waterfront Boat Yard:** An open area with direct access to a navigable waterway for storing and repairing boats, including structures for repair shops, storage, and sale of painting materials, but excluding the storage or sale of fuel or oil.
- k. **Outdoor recreation:** Facilities designed for outdoor leisure, amusement, and sports that may include the consumption of food and drink, including:
 - i. **Outdoor Commercial Recreation:** Commercial establishments operated wholly or partially outdoors, such as driving ranges, miniature golf courses, bathing beaches, tennis courts, sports clubs, outdoor performance space, drive-in theater, and horseback riding stables.
 - ii. **Marina:** A facility with docks, slips, supplies, and repair amenities for small boats which may include selling fuel and oil from dockside facilities for use on boats only.
 - iii. **Swimming Pool:** An uncovered artificial pool used for recreational swimming.
 - iv. **Waterfront Yacht Clubhouse:** Facility on the waterfront used by non-profit clubs to support recreational yachting and related activities.
 - v. **Leisure activity:** Outdoor facility designed for play, diversion, amusement, or physical fitness, such as parks, playgrounds, beaches, skating rinks, and health clubs.
- l. **Production and retail of food and beverage:** Facilities used for the production and distribution of food and beverages along with public tasting rooms, event functions, and direct sales to consumers, including:
 - i. **Brewery, Distillery, or Winery:** A facility used for the production and distribution of malt, spirituous, or vinous beverages, often including a tasting room where visitors can sample and purchase products, and subject to M.G.L. c. 138 and related regulations.
 - ii. **Food Production Facility:** A facility used for the processing, packaging, and distribution of various food items and often including consumer tasting and direct sale functions, such as bakeries, cheese-makers, confectioneries, and meat processors.
- m. **Research and development or laboratory:** A facility used for indoor research, development, and testing activities that does not involve the mass manufacturing, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard or require extensive truck traffic. Facilities may include:

- i. Life Science: Research, development and/or prototype manufacturing utilizing microorganisms, chemical or biological substances, vivariums, or biomechanical equipment in the fields of Life Science, biotechnology, medical, pharmaceutical, environmental science, microbiology, comparative medicine, apparatus, machines and devices for research, development, pharmaceuticals, biomedical technologies, life systems technologies, environmental and biomedical devices manufacturing and advanced and practical application in any such field or areas. Life Science may include accessory office.
- ii. Research and Development: An establishment engaged in innovative research and development activities. Research and Development shall include, but is not limited to the fields of biology, life science, chemistry, electronics, computer science, engineering, geology, medicine and physics and vivariums. Research, development, and testing activities that do not involve the mass manufacturing, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard.
- iii. Laboratory: A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, computer science, engineering, geology, medicine and physics, including vivariums. Laboratory shall include Biosafety Level 1 and 2 facilities.
- iv. Advanced prototyping: Facilities used for research, development, general office, and limited manufacturing activities entirely within the structure that do not create significant noise, emissions, vibration, safety risk, or related nuisance in the surrounding area. Advanced manufacturing shall employ electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and be free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration, including manufacturing of pharmaceuticals, medical devices, computer components, robotics, additive manufacturing, and advanced materials.
- v. Advanced/Light Manufacturing: Fabrication, processing or assembly employing primarily electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors,

gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration. Examples include manufacturing of pharmaceuticals, medical devices, computer components, robotics, additive manufacturing, 3D printing, and advanced materials.

- vi. Renewable or alternative energy research and prototyping: A facility used for researching, developing, prototyping, limited manufacturing, and testing renewable or alternative energy concepts, methods, processes, materials, or products and components.
- vii. Research and testing: A facility used for the research, development, and testing of innovative information, methods, processes, materials, or products, including the development and fabrication of prototypes or specialized machinery integral to research or testing. This may include a small chemical laboratory and chemical storage.
- n. **Retail and personal services:** Establishments engaged in the on-site sale of goods and the provision of services to the general public, including:
 - i. Retail Sales: An establishment selling goods to customers, including groceries, clothing, dry goods, hardware, household goods, and general merchandise.
 - ii. Convenience Store: A small retail establishment that sells a limited range of everyday items such as groceries, snacks, beverages, household products, and other convenience items that may have extended opening hours to provide quick and easy access to essential goods for customers.
 - iii. Neighborhood market: A small retail sales establishment specializing in goods and merchandise meeting daily household needs.
 - iv. Supermarket: A large retail sales establishment primarily selling groceries such as produce, meat and fish, baked goods, and other convenience items.
 - v. Personal Service: An establishment providing personal services, such as hair salons, barber shops, tanning beds, dry cleaning, print shops, photography studios, and similar services.
 - vi. Body Art Studios: An establishment providing body adornment services, such as tattooing, body piercing (excluding ear lobes), cosmetic tattooing, branding, and scarification.
 - vii. Bank or Financial Service: An establishment providing financial services, such as banks and credit unions.

- viii. Sports/Fitness Facility, Health Clubs, or Spa: An establishment providing health and fitness services to individuals such as through a membership model.
- o. **Sensitive retail and services:** Establishments offering specialized goods and services that may be specially regulated or otherwise require specific consideration due to their nature, including:
 - i. Adult use: Facilities used to offer products of a mature nature (i.e., distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement), as described in M.G.L. c.40A, §9A.
 - ii. Gun Shop: An establishment primarily selling firearms and firearm ammunition.
 - iii. Medical Marijuana Dispensary: A registered facility authorized to sell medical marijuana products.
 - iv. Smoke shop, hookah bar, or cigar bar: A retail sales establishment specializing in the sale of tobacco products and related paraphernalia and which may include space for on-site consumption.
 - v. Fortune teller: An establishment offering spiritually oriented services such as fortune telling and palm reading.
- p. **Trade:** Facilities used by service-oriented establishments that provide specialized skills, goods, and services on-site or off-site, including:
 - i. Trade shop: A facility used for tool storage, equipment, supplies, and light fabrication by a trade-based establishment, such as carpenter, plumber, electrician, HVAC, or roofer.
 - ii. General services: An establishment providing general services, such as upholstery, appliance repair, and furniture refinishing.
 - iii. Vendor services: An establishment that supplies or otherwise services other businesses, such as vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine service companies, food purveyors, or suppliers of alcoholic beverages.
 - iv. Veterinary and pet services: Establishments providing care and treatment to animals along with short-term boarding incidental to their primary services, such as veterinary hospitals or clinics, pet grooming, and pet daycare facilities.
 - v. Mortuary, undertaking, or funeral services: Facilities used for human funeral services, such as embalming, autopsies, memorial services and

gatherings, storage of funeral supplies, funeral vehicles, cremation facilities, and living quarters for individuals employed in the funeral industry.

3. **Industrial**

- a. **Energy:** Facilities involved in the generation, storage, and distribution of energy, including:
- i. Conventional energy generation plants: A facility designed to generate or distribute power or steam, typically involving the use of fossil fuels, including electric generation plants and substations and central heating or cooling plants.
 - ii. Energy storage: A facility designed to collect, store and distribute stored energy, including large-scale batteries.
 - iii. Battery Energy Storage Systems: The storage of energy, including, but not limited to, from sources such as wind and solar, or other available sources, and subsequent dispersal.
 - iv. Converter Station: A specialized type of substation which forms the terminal equipment for a high-voltage direct current transmission line that converts direct current to alternating current or the reverse. In addition to the converter, the station usually contains: three-phase alternating current switch gear; transformers; capacitors or synchronous condensers for reactive power; filters for harmonic suppression; and direct current switch gear.
 - v. Renewable or alternative energy facilities: A facility designed to generate or distribute energy derived from renewable or alternative sources such as solar (photovoltaic thermal), wind, biomass, water (kinetic, thermal, wave, or tidal), geothermal, landfill gas, fuel cell, biofuel, and hydrogen.
 - vi. Substation: A substation is a part of an electrical generation, transmission, and distribution system. Substations transform voltage from high to low, or the reverse, or perform any of several other important functions. Between the generating station and consumer, electric power may flow through several substations at different voltage levels.
- b. **Freight terminal and warehousing:** Facilities used for the handling, storage, and distribution of freight as part of transportation and logistics networks, including:
- i. Freight or Trucking Terminal: A facility designated for the receipt, temporary storage, and dispatch of goods and materials via trucks.

- ii. **Trucking Distribution Center:** A facility designed to function as a central point in a trucking network, such as a distribution center where freight is stored and managed before being shipped to retail locations or other commercial destinations.
 - iii. **Transportation Terminal:** A facility designed to load, unload, transfer, and temporarily store freight via one or more modes of transport, with or without associated maintenance facilities, including trucking, rail, air, and maritime freight.
 - iv. **Warehouse or Storage:** A facility used for storing goods, products, and materials in containers or other packaging in association with a commercial or industrial establishment or activity.
 - v. **Distribution Warehouse:** A warehouse serving as a node in a distribution network involving one or more transportation modes.
 - vi. **Wholesale:** A facility involved in the sale of goods in large quantities for the purpose of resale to commercial or industrial establishments.
- c. **Light industry:** A facility contained within one or more structures designed for the indoor manufacturing from previously prepared materials, producing finished products or parts, such as processing, fabrication, assembly, treatment, packaging, the incidental storage, sales, and distribution of these products, and incidental office and meeting spaces, that typically have higher volumes of truck traffic for materials and products, higher environmental impacts, and more storage requirements than research and development or office uses, including:
- i. **Assembly or packaging of articles.**
 - ii. **Manufacturing, processing, assembly and packaging the following:** pharmaceutical production line; clothing, but not the manufacture of the cloth or other material of which the clothing is made; food products, including bakery, confectionery and dairy products; drugs; electrical, electronic and communication instruments; engineering, laboratory and scientific instruments, temperature controls; jewelry, insignia, emblems and badge, lapidary, scale models, dolls, costume jewelry and costume novelties; medical and dental instruments and supplies, optical instruments and lenses; paper and paperboard products provided that such products are made from purchased paper or purchased paperboard and that there is no manufacture or process of pulp, waste paper or waste paper products; pens and mechanical pencils; plaster of Paris or papier mache products; office machines, including cash registers, computing

machines and typewriters, scales and balances; umbrellas, parasols and canes; and watches, clocks, watchcases, clockwork mechanisms.

- iii. Bottling of beverages.
 - iv. Laundry, dry cleaning plant.
 - v. Printing, binding, publishing and related arts and trades.
 - vi. Food commissary.
 - vii. Life Science (Manufacturing): A life science or biotechnology laboratory engaged in the manufacturing of life science technologies and medicines for commercial production to the market, including accessory office.
- d. **Heavy industry:** Facilities used for industrial manufacturing activities, including:
- i. Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts provided that the area so used is surrounded by a six foot high wall or tight fence.
 - ii. Stone cutting, shaping, and finishing, in completely enclosed buildings.
 - iii. Textile mill.
 - iv. Manufacturing, processing, assembly, packaging or other industrial operation without limit as to category or product, but the following are expressly prohibited: acid manufacture; cement, lime or gypsum manufacture; explosives or fireworks manufacture; glue manufacture; incineration or reduction of garbage, offal or dead animals; petroleum refining; smelting of zinc, copper, tin or iron ores; and stockyard or abattoir.
 - v. Fabrication, Assembly, Processing, Finishing, and Packaging: A facility contained within one or more structures designed to convert raw materials into finished products, assembling parts, processing materials, conducting finishing operations such as painting or coating, and packaging products for distribution.
 - vi. Hazardous: Facilities and activities that involve materials or processes which pose potential risks to health, safety, or the environment, bulk storage or processing plants involving flammable or combustible materials: Facilities designed to store or process flammable liquids, gasses, or solids.
 - vii. Heavy Manufacturing: A facility designed for more intensive manufacturing operations, such as machining, welding, shearing, forging, or stamping.

- e. **Outdoor industrial storage:** Premises used for outdoor storage of materials and equipment associated with industrial establishments and activities, including:
 - i. **Recycling:** An outdoor space used to store, dismantle, and process junk, scrap, or discarded materials, products, and assemblies, such as a scrap yard or industrial recycling establishment.
 - ii. **Outside manufacturing or processing:** An outdoor space used for manufacturing or processing activities, such as the handling of raw materials, production processes, and storage of finished products outside of a building.
 - iii. **Automobile graveyard:** An outdoor space used for storing, sorting, processing or sale of junk or for the abandonment of unusable vehicles and machinery.
 - iv. **Moving of land:** An outdoor space used for the excavation, receipt, storage, or removal of natural materials such as sod, loam, sand, gravel, or rock, primarily as a standalone activity and not accessory to on-site construction.
 - v. **Open storage:** An outdoor space used for uncovered storage of various materials associated with commercial or industrial establishments and activities, including building supplies (such as lumber, cement, electrical, heating, and plumbing materials), tools, equipment, and vehicles or trailers not in regular use.
 - vi. **Storage of bulk materials:** A facility designed for storage of bulk materials such as gas, coal, coke, sand, metal junk, scrap, or paper.
- f. **Self-storage:** Facilities consisting of individual storage units leased or owned for storing personal or business items such as household goods, business inventory, or contractor supplies.

4. **Community**

- a. **Agriculture:** Premises used for agriculture, horticulture, or floriculture, including:
 - i. **Agriculture:** A premise used for farming, such as the cultivation of soil for the growing of crops and the rearing of animals to provide food, wool, and other products.
 - ii. **Horticulture:** A premises used for the cultivation of gardens or orchards, such as for growing fruits or vegetables.

- iii. Floriculture: A premises used for the cultivation of flowering and ornamental plants for gardens and the floral industry.
- iv. Agricultural structures: A facility designed to support agricultural, horticultural, or floricultural operations, such as barns, greenhouses, storage facilities, and processing buildings.
- b. **Childcare:** A facility used for child care and education services, such as day care centers, school-age child care programs, and home day care as regulated by M.G.L. c. 28A, § 9, and M.G.L. c. 15D, § 1A.
- c. **Education and public:** Facilities used for education, community activities, and cultural or religious functions, including:
 - i. Education: A facility designed to provide educational services, such as schools and public libraries.
 - ii. Culture: A facility designed to support cultural or commemorative activities, such as art museums and memorials.
 - iii. Religious Activities: A facility used for religious purposes, such as churches, synagogues, mosques, parish houses, and Sunday school buildings.
 - iv. Community Organization and Adult Education: A facility used for meetings, classes, and community programming, such as community centers, senior centers, teen centers, maker spaces, and art studios.
 - v. Municipal Uses: A facility used for municipal functions, such as government administration offices, fire stations, and police stations.
 - vi. Train or Streetcar Passenger Station: A facility designed for passengers to board and alight from trains, trams, buses or streetcars, including platforms, ticketing areas, waiting rooms, and other passenger amenities such as kiosks, restrooms, information centers, and small concessions services.
- d. **Institutional healthcare:** Facilities designed to provide healthcare services and in-patient care, including:
 - i. Hospital: A facility operated by a medical institution to provide comprehensive healthcare services, such as emergency care, surgical procedures, diagnostic services, and in-patient treatment for various ailments and conditions.
 - ii. Long-Term Care: A facility designed to provide extended medical and personal care to individuals who require long-term health support, such as services for chronic conditions, rehabilitation, or elderly care.

- iii. **Emergency Medical Services:** A facility designed to provide urgent medical care for emergencies, acute medical issues and injuries.
- e. **Open space:** Premises used for recreational and leisure activities, including:
 - i. **Parks:** An outdoor space used for nature, leisure, and recreational activities.
 - ii. **Playgrounds:** An outdoor space equipped for children's play with structures such as slides, swings, and climbing frames.
 - iii. **Dog Parks:** An outdoor space designed for dogs to exercise and play off-leash and under the supervision of their owners.
 - iv. **Plazas and Squares:** An open space used for community gatherings, events, and public interaction.
 - v. **Cemeteries:** An outdoor space used for the burial of the dead which may include crematory facilities.

5. **Accessory**

- a. **Drive through:** Facilities that provide services directly to customers in their vehicles without the need for them to exit their vehicle, including:
 - i. **Fast Food:** A facility designed so customers can order, pay for, and receive food and drink items without leaving their vehicles (but not to consume on-site as at a drive-in) at establishments offering fast food products such as burgers, sandwiches, and coffee.
 - ii. **Other services:** A facility designed so customers can access services without leaving their vehicles at establishments such as banks and pharmacies.
- b. **Home occupation without employees:** Small-scale business activities within a residential dwelling by the residents and subject to the requirements in Section 3, including:
 - i. **Family day care homes:** as defined in M.G.L. c.15D, § 1A.
 - ii. **Home office:** Conducting business or professional activity, such as remote office work, online businesses, or professional services that do not require client visits to the home.
 - iii. **Artisanal crafts:** Operating a small-scale craft-making business where sales are conducted at a different location and/or online, such as producing clothing, accessories, art, gifts, decor, toys, and personal products.

- iv. **Boarders:** Renting of rooms for not more than two lodgers or housing of resident domestic employees including for health care, child care, or other household support.
- c. **Home occupation with employees:** Small-scale business activities within a residential dwelling by the residents as described above that has not more than two nonresident employees and is subject to the requirements in Section 3.
- d. **Agriculture:** Activities for farming on ground or roof level and keeping of animals, including:
 - i. **Ground-level farms:** This use includes row crops planted in the ground or raised beds, farm structures such as greenhouses, hydroponics, aquaponics and aquaculture, and/or other farm practices.
 - ii. **Roof-level farms:** Open air roof-level farms are allowed as a use, but must also comply with building code and fire code.
 - iii. **Keeping of animals:** The keeping of honey bees and chickens, subject to the requirements in Section 3.
- e. **Farm structures:** Farm structures such as greenhouses, hydroponics, aquaponics, aquaculture, and freight containers
 - i. **Freight container farming:** Freight containers are a medium for hydroponics and aquaponics.
 - ii. **Greenhouse at ground level or rooftop:** A permanent structure made of glass, plastic, or fiberglass in which plants are grown year-round under controlled temperature and humidity settings. Both ground-level and rooftop farms use greenhouses.
- f. **Farm stand:** Farm stands include tables, stalls, sheds, or tents operated by a farmer for the sale of agricultural or horticultural products.
- g. **Outdoor display of goods:** Area for the purpose of outdoor storage or display of materials or goods.
- h. **Truck parking:** Outside area (not in an enclosed garage) for overnight parking of any commercial vehicle with a gross vehicle weight of more than 15,000 pounds.
- i. **Research and development:** Activities and facilities related to scientific research and development, including:
 - i. **Research and Development Support:** A facility or activity that supports a scientific, industrial, education, or commercial establishment, including small-scale laboratories, testing facilities, pilot production plants, data

- analysis centers, prototype workshops, or storage areas for research materials and equipment.
- ii. **Production:** A facility designed for the production or assembly of products or technologies developed through on-site research.
 - j. **Signs and towers:** Vertical signage and communications structures visible from outside the parcels on which they are located, including:
 - i. **Billboard:** A large outdoor advertising structure designed to attract the attention of passing motorists and pedestrians.
 - ii. **Radio or Television Tower:** A structure used for the electronic transmission of entertainment and information to the public by commercial and public radio and television stations, including attached elements such as telecommunication transmitters, receivers, monitoring systems, guy cables, and control systems.
 - iii. **Wireless Telecommunications Facility:** A facility that provides personal wireless services. Such facilities may, by way of example, include, but are not limited to, transmitting and receiving equipment; towers; poles; antennas; antenna structures and supports; and other equipment, equipment shelter, structures and installations accessory to such facilities.
 - k. **Solar energy, rooftop generation:** Any photovoltaic, solar energy, or solar thermal facility, equipment, or system that converts solar energy into electricity or useful forms of energy for water heating, space heating, or space cooling, provided the system is mounted on a building or public structure, including panels, electrical equipment, piping, and conduit.
 - l. **Temporary structures:** A structure installed or erected to serve a temporary need and designed for subsequent removal, including:
 - i. **Greenhouse:** A shelter used for agricultural or horticultural purposes, such as growing vegetables, fruits, or flowers.
 - ii. **Temporary Mobile Home:** A mobile home placed temporarily on the site of a residence that has been destroyed by fire or other disaster.
 - iii. **Open-air Market:** A structure used for the sale of goods in an open-air setting, such as farmers' markets, flea markets, or seasonal vendor stalls.