

Town of Belmont
2014 Annual Town Meeting
AMENDMENTS TO ARTICLE 14

Address Citizens Petition from 2013 Special Town Meeting
(May 28, 2014)

AMENDMENT 1

MOVED: That Article 14 be amended to clarify that the proposed zoning amendments relate to the General Residence Districts only, as follows:

1. In Section 3.3, Schedule of Use Regulations, Detached single-family dwelling and Two-family dwelling, within the parenthesis after '§6D' insert 'for the GR Districts', accordingly:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Detached single-family dwelling (see §6D <u>for the GR Districts</u>)	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling (see §6D <u>for the GR Districts</u>)	N	SP	Y	SP	SP	SP	N	N

2. In Section 6D.1, Purpose, at the end of the sentence insert the phrase 'in the General Residence Zoning Districts (GR)' accordingly:

6D.1 Purpose

The purpose of this Section is to promote development of single and two-family dwellings that are compatible with the surrounding built environment in the General Residence Zoning Districts (GR).

Reason for Amendment: The Planning Board is sponsoring this amendment to clarify that the proposed zoning amendments contained within Article 14 pertain only to the General Residence Zoning Districts.

AMENDMENT 2

MOVED: That Article 14 be amended in Section 4.2.2, Linear Requirements for Residential Districts, part A, Setbacks, item 2, 'No building need be set back ...' by deleting 2 references to the General Residence Zoning District, as follows:

Section 4.2.2 Linear Requirements for the Residential Districts

A. Setbacks

2. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, ~~nor 20% of the lot depth in a General Residence District,~~ nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than ~~40 feet in the General Residence District or~~ 15 feet in Single Residence Districts.

Reason for Amendment: The Planning Board is sponsoring this amendment to clarify that the front setback for the General Residence Zoning Districts is required to be the average of the front setbacks of the abutting buildings on either side as contained within item 3; not an option, as suggested in item 2.

AMENDMENT 3

MOVED: That Article 14 be amended to clarify that the restrictions on the location on HVAC and other noise emitting equipment applies only to new dwellings within the General Residence Zoning Districts, as follows:

1. In §4.2.2, Linear Requirements for Residential Districts, in Subsection A, Setbacks, by deleting items 4 and 5 and renumbering the remaining items accordingly:

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.
2. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, nor 20% of the lot depth in a General Residence District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 10 feet in the General Residence District or 15 feet in Single Residence Districts.
3. Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR District shall not exceed the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.
- ~~4. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard for this provision is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot.~~
- ~~5. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.~~
64. On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less than 30% of lot depth in Single Residence B

and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts.

75. In the SR Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.
86. In the GR Districts, on lots having depth of greater than 100 feet, dwelling setback from the rear lot line shall equal 20% of the lot depth.
97. For structures other than dwellings, on lots having depth of less than 100 feet, principal building setback from the rear lot line shall equal not less than 25% of lot depth in Single Residence Districts or 15% of lot depth in General Residence Districts. For accessory buildings, see Section 4.3.5.
2. In §6D.4, Performance Standards, after Subsection I. 'Street Trees', by inserting a new Subsection 'm. Outdoor Mechanical Equipment.' accordingly:

6D.4 Performance Standards

- I. Street Trees. During construction, street trees shall be protected to insure their survival. The number and size of curb cuts shall be minimal to protect the roots of the trees. Construction vehicles and staging areas shall be kept away from the drip line of the trees. Where feasible, the addition of street trees is encouraged.
- m. Outdoor Mechanical Equipment. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot. Additionally, heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.

Reason for Amendment: The Planning Board is sponsoring this amendment to clarify that restrictions on the placement of outside mechanical equipment applies only to new dwellings within the General Residence Zoning Districts.

AMENDMENT 4

MOVED: That Article 14 be amended in Section 6D.4, Performance Standards, Subsection b., Design of Building, by deleting the last two sentences and replacing them with a new sentence, as follows:

6D.4 Performance Standards

- b. Design of Building. The building shall be designed consistent with the prevailing character of buildings in the neighborhood including the use of appropriate materials and other architectural techniques such as style, roof design and pitch, window design, and color. ~~Front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards. The front door accessing the second unit shall be setback no greater than 25% of the setback of the unit closest to the street. Unless the Board finds that a different design is necessary to preserve the historic or architectural significance of an existing single-family dwelling~~ (1) front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards; and (2) the front door accessing the second unit shall be setback no greater than 25% of the setback of the unit closest to the street.

Reason for Amendment: The Planning Board is sponsoring this amendment. As currently drafted, this provision encourages a property owner of a single-family home to demolish their building instead of adding onto the rear of it. To comply with this provision could have significant impacts on the structure and the surrounding neighborhood. This was not the intent of the Planning Board. The intent was that new two-family homes would be required to have each of its front doors face the street.

Town of Belmont

2014 Annual Town Meeting

AMENDMENT #5 TO ARTICLE 14

Address Citizens' Petition from 2013 Special Town Meeting

Offered by Roger Colton, Town Meeting Member, Precinct 6

Article 14:

Delete Section 6D.4(k) ("Drainage") and renumber accordingly.

Rationale:

1. The Town's Stormwater Management Bylaw places exclusive responsibility for enforcement with the Office of Community Development.
2. Enforcement by OCD may be impeded by a finding by the Planning Board that a proposed project has "incorporated measures to prevent increased rates of runoff, minimize potential for flooding, and maximize groundwater recharge."
3. The three "tests" articulated in 6D.4(k) (prevent increased rates of runoff, minimize potential for flooding, maximize groundwater recharge) do not fully reflect, and may be at odds with, the specific "design criteria" included in the Stormwater Management Bylaw.

Since compliance with the Stormwater Management Bylaw is required irrespective of whether it is separately stated in this zoning bylaw, no benefit is obtained by including it and its inclusion may create specific difficulties. The subsection should be deleted.

Thank you for your consideration.

Town of Belmont
2014 Annual Town Meeting
AMENDMENT #1 TO ARTICLE 23
Capital Budget

Offered by Roger Colton, Town Meeting Member, Precinct 6

Article 23:

For "Sidewalk Maintenance," delete the figure \$200,000 and insert in lieu thereof: \$230,000.

For "Grove Street Master Plan," delete the figure \$30,000 and insert in lieu thereof: \$0.

Rationale:

1. Preparing a "master plan" for a park is an inappropriate use of "capital budget" funds.
2. The Town's general bylaws state that the Capital Budget Committee each year is to prepare a list setting forth "those public improvements and nonrecurring major equipment needs which. . .represent the most necessary and urgent projects. . .to be undertaken by the Town. . ." Preparing a "master plan" for Grove Street Park is not one of "the most necessary and urgent projects. . .to be undertaken by the Town."
3. The CBC told the 2013 Town Meeting that when it "look[ed] at the five year projects from each department it is clear that the Town will never catch up to what the departments truly require to function effectively in their service of the residents of the Town." Preparing a "master plan" for Grove Street Park is not a capital expenditure that any department "truly require[s] to function effectively. . ."
4. Absent a request to build batting cages, preparing a "master plan" for Grove Street would not be on the agenda. If given a choice between spending limited capital funds in response to a request to build Little League batting cages and spending those funds to repair additional sidewalks, I believe the community would choose to repair sidewalks.

Thank you for your consideration.

Town of Belmont

2014 Annual Town Meeting

AMENDMENT #2 - ARTICLE 23
AMENDMENT TO THE COLTON AMENDMENT

Capital Budget

Offered by Anne Marie Mahoney, Town Meeting Member, Precinct 1

Should the Colton amendment pass, which would negate the \$30,000 request for the study of Grove Street Playground, I wish to amend how the \$30,000 would be reallocated.

Article 23 as amended by Colton amendment:

Delete:

Department of Public Works: \$30,000 from the new "Sidewalk Maintenance" total of \$230,000.

Add:

Department of Public Works: \$12,400 to Replace Fibar for Playgrounds

Police: \$16,000 to Traffic Speed Trailer

Consolidated Facilities Dept: \$1,600 to Systemwide Building Envelope

Rationale:

The Capital Budget Committee spends months meeting with department heads, analyzing requests, and forming a budget that the Committee believes is balanced and represents a fair allocation of funds in any given year. If the \$30,000 for the Grove St. Study is removed from the Capital Budget, the Committee would not necessarily have reallocated that money to the sidewalks. The items identified above have been considered by the Committee over the past few years because they represent money spent on public safety, a high priority for the Committee.