SECTION 8. CUSHING SQUARE OVERLAY DISTRICT

Note: §8 was adopted under Article 3 at the 2006 Special Town Meeting.

8.1 General

8.1.1 Purpose

In recognition of the unique location, function and character of land uses in the Cushing Square commercial area, the Cushing Square Overlay District (CSOD) is intended to:

a) encourage revitalization of the Square;

b) promote the redevelopment of under utilized properties in a coordinated and well-planned manner;

c) promote mixed-use development, incorporating retail, restaurant, office, and residential uses;

d) improve the design of new and renovated buildings by providing greater flexibility while remaining sensitive to abutting residential districts, environmental impacts, and historic preservation;

e) improve the streetscape, including but not limited to, such features as trees, shrubs, and other plantings, as well as walkways, plazas, benches, and other site furnishings and lighting; and

f) encourage development of a more pedestrian-oriented and safer Square.

8.1.2 Boundary of Cushing Square Overlay District

The CSOD boundary is shown on the Cushing Square Overlay District Map and is generally described as the area surrounding the intersection of Trapelo Road and Common Street including all of the underlying Local Business I Zoning District and also including parcels 12-207 and 12-211A as listed on the Town's Tax Assessors Map. The CSOD boundaries shall be superimposed on the Town of Belmont Zoning District Map so as to indicate the extent of the CSOD.

8.1.3 Applicability

The CSOD shall be considered as overlaying other existing zoning districts. The CSOD confers additional development options to be employed at the discretion of the property owner, subject to the requirements of this Section 8. CSOD development projects shall be subject to a Design and Site Plan Review in accordance with Section 8.3. Certain CSOD development projects will also be eligible for a Special Permit to increase building height and/or to exceed otherwise applicable square footage limitations.

a. Existing Zoning Districts

The CSOD does not in any manner remove or alter the zoning rights permitted by the underlying, existing zoning districts.

8.1.4 Eligibility

Projects allowed by-right under the underlying, existing zoning are not eligible to apply under the CSOD unless meeting the requirements of Section 8.2.1 d).

8.1.5 Authority

The Planning Board shall have Design and Site Plan Review authority for all projects in the CSOD. As part of its Design and Site Plan Review authority under this Section, the Planning Board may waive some or all of the dimensional and parking requirements of this Section if, in its determination, such waiver will result in an improved design. In addition, the Planning Board is also the Special Permit Granting Authority (SPGA) for CSOD developments requiring a Special Permit.

8.2 Uses

8.2.1 Uses Permitted in the Cushing Square Overlay District

The following uses shall be allowed within a CSOD development project. Uses in excess of the sizes permitted below may be allowed by Special Permit subject to the requirements of Section 7.4.3 and Section 8.3:

a) Retail sales and services up to 12,000 square feet but not including banks, credit unions or similar establishments;

b) Office, but not including banks, credit unions or similar establishments;

c) Restaurant up to 12,000 square feet, but not including fast food or take out restaurants;

d) Mixed use development projects consisting of a combination of retail sales, office, restaurant, movie theater, art gallery or commercial off-street parking facility uses provided that the development project also includes a residential component and will be subject to the requirements of Section 6.10 and Section 8.3;

e) Movie theaters up to 10,000 square feet;

f) Art galleries up to 10,000 square feet; and

g) Commercial parking lot or facility.

8.2.2 The following are expressly prohibited uses in a CSOD development project

a) Exterior mounted or stand alone automated banking facility;

b) Banks, credit unions and similar establishments;

c) Drive-through establishments;

d) Adult entertainment establishments; or

e) Storage trailers and outdoor storage of goods associated with a commercial use unless use of such structure is necessary during construction.

8.2.2.1 Existing Uses

Any use otherwise permitted in the underlying district and which already exists on the premises proposed for a CSOD development project shall be allowed to remain as part of the development project.

8.3 Performance and Design Standards

All development projects proposed within the CSOD require Design and Site Plan Review by the Planning Board to ensure conformance with the following Performance and Design standards:

8.3.1 Performance Standards

A) Mixed Uses

The mix of uses shall be balanced and compatible and shall contribute to a vibrant atmosphere, including first floor street-front uses comprised of retail, restaurants, and services.

1. Ground Floor Uses

   The ground floor of any building shall be reserved for allowed business uses except as specified below:

   i. office use shall not exceed 2,500 square feet on the ground floor; and

   ii. residential uses shall be allowed on ground floors of buildings where the building façade does not front on Trapelo Road or Common Street and the Planning Board has determined that the street front residential use will not have an adverse impact on the continuity of the commercial street-front uses of other properties.

2. Uses Above Ground Floor

   Above the ground floor uses shall be residential use with the following exceptions:

   i. retail uses may be permitted on the second floor; and

   ii. office uses may be permitted on the second and third floors.

B) Dimensional Regulations

1. Setbacks

   i. Front: The maximum front setback shall be zero (0) feet for the front and street side façades.

   ii. Side: The minimum side setback shall be zero (0) feet. When abutting a residential district, the minimum side setback shall be 20 feet.

   iii. Rear: Rear yard setbacks shall be 20 feet.

The Planning Board may modify all setback requirements if, in its opinion, such waiver will result in improved design.

2. Height of Structures

The maximum height of buildings is 28 feet and two stories, above ambient sidewalk grade.

A building height of up to 36 feet and three stories, may be allowed by Special Permit from the Planning Board taking into account the criteria provided in Section 4.4 and Section 7.4.3 and subject to Section 8.3.

A building height of up to 48 feet and four stories, may be allowed by Special Permit from the Planning Board subject to Section 8.4.

Development projects which abut a residential district may be required to reduce building mass by providing additional setbacks on upper stories of buildings to minimize any impact to surrounding residential properties.

3. Floor Area Ratio (FAR)

Size of Proposed Site	Maximum Allowable Floor Area Ratio
➢ Less than 15,000 square feet	Not Applicable
➢ Greater than or equal to 15,000 square feet	▪ 2.75 for three-story buildings ▪ 3.0 for buildings greater than three stories

Calculation of floor area ratio shall not include areas contained within the cellar as defined in Section 1.4.

8.3.2 Parking Requirements

A) Parking spaces shall be provided for new and/or expanded building area in the CSOD, as follows:

i. Residential: One parking space for each dwelling unit.

ii. Restaurant: One parking space per every 4 persons seating capacity. Requirements for outdoor café parking can be modified during Design and Site Plan Review.

iii. Other service establishments, retail businesses and offices: One parking space per 550 square feet of ground floor gross floor area, plus one space per 800 square feet gross floor area on other floors. Excluded from these calculations shall be floor area used for parking or loading.

iv. Other uses: A number of spaces to be determined by the Planning Board. The Planning Board may consider evidence from similar uses under similar circumstances.

v. Mixed Use Development: The total number of spaces shall be determined by adding each separate use together.

B) Reduction of Parking

The Planning Board may reduce the on-site parking requirements for all uses in a CSOD development project, based upon a consideration of:

i. Availability of shared parking on another property within 300 feet; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. The Planning Board may require a shared parking agreement to be submitted as part of the Design and Site Plan Review application. The agreement shall address issues such as the times of use, maintenance, striping, and snow plowing of the shared parking area.

ii. Other factors supporting the reduction in the number of required parking spaces such as staggered hours or other opportunities for shared parking among different uses.

iii. Uses within 250 feet of municipal parking garages or lots may be entitled to a 20% reduction in required parking.

iv. Parking waiver agreement between the applicant and the town in which a fee is paid by the applicant which would be set aside for the creation of future municipal parking facilities to service the district.

v. Uses within 200 feet of public transportation may be entitled to a 10% reduction in required parking.

C) Bicycle Parking

Long term bicycle parking shall be provided for all new mixed-use development projects in the CSOD. Long-term bicycle parking shall be at least 50% sheltered from the elements. The following requirements apply to any new developments:

i. Residential - at least one bicycle parking or storage space shall be provided. However, no bicycle parking is required for residential components where there are fewer than two residential units.

ii. Business - at least two bicycle parking spaces shall be created.

iii. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner in close proximity to each development utilizing the shared parking.

8.3.3 Design Standards

A) General Guidelines

The Planning Board shall consider the architectural and aesthetic compatibility of the proposed development project with the character of the Overlay District, taking into account appropriate scale, massing, and location of buildings on the lot, roof slopes, street façade, exterior building materials, historic significance and similar factors. The

following objectives and criteria shall be considered in reviewing development projects in the CSOD:

i. Appropriateness of the proposed design and materials of proposed buildings;

ii. Adequacy of the site in terms of the size of the proposed use(s);

iii. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;

iv. Impact on traffic and pedestrian flow and safety;

v. Impact on the visual character of the Cushing Square commercial area and surrounding residential neighborhood;

vi. Adequacy of utilities, including sewage disposal, water supply and storm water drainage;

vii. Impact of the proposal on the existing mix of structures and businesses in the CSOD;

viii. Determination that there will be no serious hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;

ix. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;

x. Appropriateness of the proposed methods of disposal of refuse and other wastes resulting from the uses permitted on the site, including size, location and landscape screening of dumpsters or other trash receptacles;

xi. Determination that the height and bulk of the proposed buildings will not be injurious to surrounding property;

xii. Obtain appropriate evidence of compliance of the proposal with the applicable requirements of this By-Law other than this Section; and

xiii. Adequacy of landscaping/site improvements.

B) Building Design

The detailed design standards below are intended to promote quality development consistent with the Square's sense of history, human scale, and pedestrian-oriented character. To provide additional guidance, the Planning Board may promulgate more detailed design guidelines.

To the extent feasible, building and site design shall incorporate best-practices in energy efficiency, environmental protection, and storm water management; shall address current Leadership in Energy and Environmental Design (LEED) standards (or other comparable standards), as promulgated by the U.S. Green Building Council; and shall incorporate Low Impact Development site design components.

1. Scale

The size and detailing of buildings shall be pedestrian oriented and shall reflect community preference for moderate-scale structures that reflect the residential character of the Town, rather than city blocks. Building design shall incorporate

features to add visual interest while reducing appearance of bulk or mass. Such features include, as appropriate, varied facades, rooflines, dormers, roof heights, materials, and details such as brick chimneys or shutters.

2. External Materials and Appearance

   Except for windows and minor trim, buildings shall avoid reflective materials such as porcelain enamel or sheet metal.

   Predominant wall materials shall have the appearance of wood, brick, or stone painted or coated in a non-metallic finish. Window openings shall be maximized in order to increase visibility into storefronts and add vibrancy to Cushing Square.

   Any alteration of, or addition to, an existing historic structure shall employ materials, colors, and textures that are compatible with the original structure.

3. Architectural Details

   Architectural features shall be compatible with other structures in Cushing Square. Distinctive features, finishes, and construction techniques shall be utilized in the design of new buildings or additions. Renovated structures shall maintain the unique architectural details of the building.

4. Awnings and Signs

   Sections 5.2.4 b) 1 and 5.2.4 b) 4 shall apply to signs. The following requirements shall also apply to awnings on buildings within CSOD development projects:

   i. Hardware should be hidden from view. Supports should be located on walls or window frames, and painted to complement the building's color scheme.

   ii. Adequate ventilation should be provided around air conditioners.

   iii. Periodic maintenance is required for awnings, in addition to full replacement every ten years, depending on the color, exposure to the sun, and fabric.

   iv. All awnings should have a similar design, function (fixed or retractable), material, shape, color, and appearance.

   v. The preferred materials for awnings are canvas or acrylics.

   vi. Awnings should be practical, durable, and not impede other building functions.

5. Preservation of Historic Structures

   Proposed CSOD development projects shall protect and preserve the historic and cultural character of Cushing Square by promoting the conservation of buildings that have historic significance or are determined by the Planning Board to contribute to the character of Cushing Square. When it deems appropriate, the Planning Board may consult with and request opinions and information from the Belmont Historic District Commission.

   To preserve and enhance Cushing Square's historical resources, the Planning Board may consider the following guidelines when reviewing a proposed CSOD development project:

   i. That proposed new buildings respect adjacent historic structures.

ii. Rehabilitation of historic structures shall be done with sensitivity to the historic character of the structure.

iii. Proposals for a façade renovation or new building construction that use a particular historical style shall utilize accurate elements of that style.

iv. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic property shall be preserved. The renovation or alteration of historic structures shall:

a. Maintain size and proportions of windows and doors. Any new work shall fit within the scale of the existing windows and doors and repeat the window and door rhythms that already exist.

b. Maintain the original materials if possible; new materials shall reflect the original textures and visual effect.

c. Maintain, or replace if previously removed, building details such as molding, coping lines or parapets, columns and piers.

d. Install signage that is fitting with the image of the building.

e. Provide color schemes typical of the original building.

6. Vehicle and Pedestrian Features

Buildings should be designed to enhance the pedestrian environment. The following vehicle and pedestrian guidelines apply to CSOD development projects:

i. Curb cuts shall be allowed only at the discretion of the Planning Board.

ii. The Planning Board may allow pedestrian and vehicular access to existing or future development on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.

iii. The provision of parking shall be designed taking into consideration the extent to which the design maximizes pedestrian flow within the development and maximizes the efficient use of existing and proposed parking facilities.

iv. Parking lots and driveways shall have landscaped “buffer zones” separating cars from pedestrians. The Planning Board shall determine an adequate buffer zone for each project.

v. Underground parking is strongly encouraged where feasible.

vi. Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways and promote walking within the District.

7. Lighting

The following lighting requirements concerning lighting shall apply to buildings within a CSOD development project:

i. Exterior signs should have lights for visibility at night.

ii. Landscaped paths and walkways should always be comfortably and safely lit. Consider low-placed lamps, wall sconces, and pedestrian-scale pole-mounted fixtures.

iii. Awnings and canopies may be illuminated from within to make them glow at night.

iv. Lights may be required to be appropriately screened so as to prevent them from reflecting in the eyes of people on the sidewalks, in buildings, or in cars.

v. Exterior light fixtures shall be shielded from view or blended into the building's lines. Decorative fixtures may be exposed as a design element.

vi. Building entries and display windows shall be lit with incandescent or warm-toned fluorescent lighting.

vii. To highlight landscaping, up-light into trees or strings of lights among branches may be required.

viii. Electrical conduit shall be concealed within the moldings and lines of the building.

ix. There shall be no neon or flashing signs.

8. Landscaping and Off-Site Improvements

The applicant may be required to install street furniture and landscaping on public property abutting and within the proximity of the proposed development project to ensure the integrity of design in the Overlay District. Site improvements, such as window boxes or potted plants, may be installed outside a development project storefront.

Street furniture includes benches, planters, trash receptacles, lamps, bike racks, and signs. If a front setback is provided, those portions of the front yard not occupied by public amenities shall be landscaped to enhance the streetscape.

The following landscaping and site improvement guidelines apply to the CSOD:

i. All site open space (yards, parking lots, setbacks) should be planned carefully, with appropriate plantings or landscaping. Open space shall be usable, open, and available to the general public and may consist of landscaped gardens, plazas, sitting areas, sidewalks or similar features.

ii. Open spaces shall be utilized to break up a block of buildings in order to provide visual relief.

iii. Street furniture shall be provided for public use.

iv. Street furniture should be made of solid wood or recycled plastic lumber to ease maintenance.

v. Trash receptacles shall be provided at all gathering places and properly maintained.

vi. Window boxes, gardens, or hanging planters shall be located in appropriate locations.

vii. Landscaping and plantings shall be maintained so as not to interfere with entry to stores or block visibility of signs.

viii. Climate requirements, growth potential, and adaptability to the urban environment shall be considered when selecting plant types and species.

ix. Landscaping shall be installed to properly screen dumpsters, transformers, air conditioning equipment, and other similar building equipment.

8.4 Four Story Development Projects

For CSOD development projects that meet the eligibility requirements specified below, the Planning Board may grant a Special Permit to allow an increase in building height and up to 48 feet and 4 stories.

8.4.1 Eligible Development Projects

a) The development project shall be located on either a single lot, or on a single premises consisting of an assemblage of lots, whether or not in common ownership having an area of or exceeding 15,000 square feet in size; or

b) Development projects including underground parking areas on the site.

8.4.2 Requirements

All development projects proposed for a Special Permit under Section 8.4 are subject to the requirements of Section 8.3 with the exception of building heights.

a) Building Heights

By Special Permit under this Section, the Planning Board may allow the maximum height of buildings in a CSOD development project to be increased up to 48 feet and/or four stories (above ambient sidewalk grade). Said story shall be allowed for residential use only. The Board, in granting a Special Permit, may require that development projects which abut residential property reduce building mass by providing stepped back buildings on the above ground floors, to minimize any impact to surrounding residential property.

8.4.3 Additional Criteria

Development projects with Special Permits under this Section shall also be subject to the Special Permit Criteria specified in Section 7.4.3.

8.5 Submittal Requirements

Any person seeking Design and Site Plan Approval or a Special Permit for a CSOD development shall submit 13 copies of the application in such form as the Planning Board may require which shall include the following:

a) Development plans bearing the seal of a MA Registered Architect, MA Registered Landscape Architect, Registered Civil Engineer, or similar professional as appropriate;

b) Narrative description of the proposed work affecting the exterior of the building or structure, including a description of the materials to be used;

c) Site plans and specifications showing total square footage and dimensions of all buildings and site improvements, including:

   i. New buildings, additions, adjacent structures;
   ii. Streets, sidewalks and crosswalks;
   iii. Existing and proposed open spaces, including, existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials;
   iv. Points of vehicular and pedestrian access/egress;
   v. All utilities, easements or service facilities, insofar as they relate to the project; and
   vi. Proposed site grading, including existing and proposed grades at property lines.

d) A certified plot plan less than 6 months old;

e) Architectural Layout Plans at a scale of 1/8” = 1’ or appropriate scale. All spaces within the proposal must be properly labeled and all dimensions must be clearly shown;

f) Site perspective, sections, elevations 1/8” = 1’;

g) Detailed description of the proposed use of the building, including hours of operation, numbers of employees, method and types of deliveries, etc;

h) Detailed plans for disposal of sanitary sewage;

i) Detailed plans for landscaping;

j) Parking plan;

k) Plan for lighting, including the type of fixtures, and the off-site overspill (foot candles) of the lighting;

l) Signage plans; and,

m) The proposed method of storm water removal accompanied by calculations for a 20-year storm event.

The Planning Board may also require the following prior to acting on the application:

i. Material boards of proposed buildings; and

ii. An estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public service needs.

The Planning Board may request additional information necessary in their deliberations relative to the application for the Special Permit.

8.6 Procedures

8.6.1 Design and Site Plan Review

The Planning Board shall promulgate rules and regulations requiring an applicant for Design and Site Plan Review under this Section to pay a review fee in an amount to be determined by the Planning Board to cover the reasonable costs of the Planning Board for the employment of any independent consultants determined to be needed to assist in the review of the application for Design and Site Plan Review. Such consultants shall be qualified professionals in the relevant fields of expertise as determined by the Planning Board.

Review of a submitted application shall follow the procedures below and as specified in Section 7.3.3 of the Zoning By-Laws. Where there is a conflict in procedures, those specified below shall prevail. The Planning Board, or its designee, shall review a submitted application for completeness and shall notify the Applicant within thirty (30) days of its submission whether the application is complete or, if not, what items are missing. If the Planning Board fails to so notify the Applicant within such time, the application shall be deemed complete; provided that nothing herein shall be interpreted to limit the ability of the Planning Board to require additional information. The time for holding a public hearing shall not commence until the Planning Board has received a complete application.

An application for Design and Site Plan Review hereunder shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the objectives in this Section and all other requirements of this By-Law. The Planning Board may impose such reasonable conditions on its approval as it shall deem appropriate to assure the continuing consistency of the development project with the purposes of Section 8.

An application may be denied where:

a) An application is incomplete; or

b) No reasonable conditions will ensure that the proposed development is consistent with the standards and criteria set forth in Section 8.3. Such a denial shall be in writing and shall set forth the reasons for denial.

Any proposed amendment to an Approval under this Section shall follow the procedures set forth herein for an initial application.

Notwithstanding any provisions hereof to the contrary, Design and Site Plan Review shall not be required for alterations or repairs to an existing building in a previously approved CSOD development project which do not increase the height, bulk, or footprint thereof, which are not being performed to provide for its use for a substantially different purpose and which do not violate the conditions contained within any prior Design and Site Plan Approval applicable to such building.

8.6.2 Special Permit Application

All applications for a Special Permit in the CSOD will follow Sections 7.4.4 and 7.4.5 of the Town of Belmont Zoning By-Law for the application procedures.

8.6.3 Coordination with Other Provisions of By-Law

This Section 8 together with the rest of this By-Law constitutes the zoning regulations for the CSOD. Where conflicts exist between this Section 8 and the rest of the By-Law, the provisions of this Section shall govern.