

PROPOSED REVISION OF ZONING BY-LAW AND MAP

TECHNICAL REPORT NO. 6

A GENERAL PLAN FOR BELMONT, MASS.

PREPARED FOR THE BELMONT PLANNING BOARD
ADAMS, HOWARD & GREELEY, PLANNING CONSULTANTS

MAY, 1963

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PROPOSED ZONING BY-LAW

This is one of a series of technical reports concerning a General Plan for Belmont. It presents material in a convenient form for review and discussion.

Whereas preceding reports concerned various elements to be included in the General Plan, this report concerns one of the principal tools for carrying out the Plan.

The preparation of this report was financially aided through a Federal grant from the Urban Renewal Administration of the Housing and Home Finance Agency, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended, under the supervision of the Massachusetts Department of Commerce.

Prepared for the BELMONT PLANNING BOARD

ADAMS, HOWARD & GREELEY, Planning Consultants

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MAY 1963

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I N T R O D U C T I O N

Zoning is the principal tool for guiding the future development of private land. The preliminary General Plan and its supporting studies were therefore completed before recommendations were prepared for updating the present zoning by-law and map, in order that changes in the latter would properly reflect proposals in the long-range General Plan affecting the private use of land.

Zoning has already dramatically proven its value in Belmont. The present by-law, adopted before the most intensive period of land development in the town, has aided immeasurably in achieving the present quality of the residential areas. There are relatively few nonconforming uses in these areas, with the attendant depressing effect which such uses have on neighborhood appearance and land values.

The business zones, with few controls, have not evolved in as satisfactory a manner. Development along Trapelo Road illustrates most sharply the difference between the results of residential versus business zoning; those areas zoned for residence are pleasant in appearance while those zoned for business suffer from an unattractive mixture of commercial and residential uses. Thus, while the present by-law has served its purpose well, it is in need of comprehensive revision to correct specific weaknesses and bring it into line with modern practice.

Principal Changes in the Proposed By-Law

Originally adopted in 1925, the present zoning by-law does not reflect the high standard of land development prevailing in Belmont today. The proposed changes in the by-law, therefore, represent in general an up-grading of requirements to insure continuation of the present quality of land development.

Two major changes have been made in the by-law as a result of the General Plan studies. One provides for several types of apartment development, with appropriate restrictions to preserve neighborhood values. The second greatly improves the requirements for business districts by segregating three distinctly different and non-competitive business districts in order to promote the economic vitality of business areas and to improve their appearance and compatibility with adjacent residential areas through screening and sign controls.

All changes are explained in detail in the commentary accompanying each item in the proposed by-law text.

Structure of the Proposed By-Law

The format of the new by-law differs substantially from the present one in that all land use regulations are presented in one section, dimensional requirements (lot areas, setbacks, and building heights) in another, and parking requirements in a third. This consolidated format, which is increasingly found in modern zoning by-laws, makes it

possible to include definitions in the relevant section, thus minimizing the problems of cross-referencing between different sections. It is much easier to use, because all regulations concerning a specific item are in one place; it is easier to amend because changes do not need to be made in several places in the by-law in order to incorporate a single amendment; and it makes possible the prescribing of different land use and dimensional requirements for each zoning district without repetition of the same language.

Recommendations for Adoption

Because the need for a modernized zoning by-law in Belmont is imperative, some suggestions are in order to assure its adoption at the earliest possible time.

While some of the recommendations are undoubtedly controversial, the proposed by-law contains a great many changes which simply document present informal regulations or solve some of the many minor nuisance problems which occur in any zoning by-law. It is therefore suggested that informal public hearings be held on the proposed by-law to explain it to Town Meeting Members and the general public and to identify any controversial elements. Then, to the extent that any problems can be eliminated by minor changes in the text---or, perhaps, even the omission of some of the more controversial elements---these changes could be made prior to submitting the proposal to the vote of the Town Meeting.

In the final section of this report a similar procedure is suggested for the adoption of a zoning map.

I. PROPOSED TEXT OF THE BY-LAW

It is recommended that the present zoning by-law be amended in its entirety by substituting the following text. Any changes in content or intent from the present by-law are explained in the commentary.

Proposed TextCommentary

 Section 1

 PURPOSE

The purpose of this by-law among other purposes is to promote the public health, safety, convenience and welfare by:

- a) encouraging the most appropriate use of land,
 - b) preventing overcrowding of land,
 - c) conserving the value of land and buildings,
 - d) lessening traffic congestion,
 - e) providing for adequate light and air,
 - f) reducing the hazards from fire and other danger, and
 - g) preserving and increasing the amenities of the Town.
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The present by-law does not have a statement of purpose, but this is a familiar feature of most by-laws which helps explain the reason for the regulations to affected property owners and also gives additional legal support for any requirement which might be challenged in a court of law.

Section 2

Proposed Text

Commentary

Section 2

DEFINITIONS

Only one definition is thus far included in this section because all other definitions are included in the relevant section of the by-law for easy reference. The word "lot" is used too often to allow it to be defined each time it appears in the text.

Lot. A lot is the whole area of a single parcel of land under one ownership as defined by metes, bounds or boundary lines in a deed or on a plan recorded in the Registry of Deeds.

Same as present language except that general reference to a recorded deed or plan is inserted in place of specific reference to the Registry of Deeds in Cambridge. The definition also specifically requires that the lot boundaries be defined in a recorded deed or plan to preclude future modification of the lot boundaries which would be in conflict with the zoning by-law.

Section 3

DISTRICTS

Insofar as possible, the present classes of districts have been retained for the sake of familiarity.

a) Classes of Districts. The Town of Belmont is hereby divided into the following classes of districts:

- SRA Single Residence A Districts
- SRB Single Residence B Districts
- SRC Single Residence C Districts
- GR General Residence Districts

This is actually a two-family district both under present usage and as proposed in the following use regulations.

<u>Proposed Text</u>	<u>Commentary</u>
a) <u>Classes of Districts</u> (Continued)	
MRA Multiple Residence A Districts	Proposed new district providing for garden apartments only.
MRB Multiple Residence B Districts	Proposed new district providing for high-rise apartments only.
NB Neighborhood Business Districts	Proposed new district designed for small neighborhood business areas as distinct from larger ones catering to a wider area.
LB Local Business Districts	Essentially the same as the present Local Business District which permits a wide variety of business enterprises.
GB General Business Districts	Essentially the same as the present General Business District which permits light industrial enterprises. The proposed district, however, would exclude many retail business uses to prevent General Business Districts from sapping retail sales potential from Local Business Districts.
PL Parking Lot District	Same as in present by-law.
b) <u>Zoning Map.</u> The location and boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map of the Town of Belmont, Map No. Two," on file with the Town Clerk, which map and all explanatory material thereon is hereby made a part of the by-law.	Basically same as in present by-law.

Proposed TextCommentary

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- c) Identification of District Boundaries. The boundaries between districts are, unless otherwise indicated, the center lines of such streets, alleys, parkways or railroads through which the boundary lines run. Unless otherwise specified, a boundary line within a block less than two hundred feet wide is a median line between the street lines of said block. Where a block is two hundred feet or more in width, the boundary line between districts as indicated shall be one hundred feet from the less restricted side of the block.
- Same as in present by-law.
- d) Division of Lot by District Boundary. Where a district boundary line divides a single lot at the time of the adoption of such line, the regulation for the less restricted portion of such lot shall extend to the entire lot, but not more than thirty feet within the boundary line of the more restricted district; provided, however, that where any one lot lies in two districts but has no frontage on a street in the less restricted district, said entire lot shall be subject to the requirements of the more restricted district.
- Same as in present by-law.
-

Proposed Text

Commentary

Section 4

USE REGULATIONS

This section lists every allowed or specifically disallowed use in convenient categories for quick reference.

a) Permitted Uses. In each district, no building or structure shall be erected, altered or used and no land shall be used for any other purpose than those expressly permitted in Section 4-b by the word "Yes," except that the Board of Appeals may issue a special permit for any use designated by the letters "SP" subject to such conditions as the Board may deem necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole.

No use not expressly permitted in the following section would be permitted in the town.

Proposed Text

Commentary

b) Table of Use Regulations

PRINCIPAL USES	DISTRICTS									
	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>		
<u>Residence Uses</u>										
1. Single-family detached dwelling on a separate lot, provided that the dwelling shall have a total of at least 768 square feet of living space floor area and at least 600 square feet of gross space floor area on the first floor thereof.	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Adds requirement that each dwelling be on a separate lot to make sure each meets all open space and access requirements. Also excludes residential uses from General Business Districts.	
2. Two-family detached dwelling on a separate lot, provided that each dwelling unit shall have a total of at least 768 square feet of living space floor area.	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Same as above.	
3. One or two-family dwelling on a separate lot attached to another such dwelling on an adjacent lot by a party wall on the common lot line, provided that a side yard equal to the sum of the side yards for a detached dwelling shall be required on each side of the entire structure, and provided further that each dwelling unit	No	Yes	Yes	Yes	Yes	Yes	No	Yes	This provision is designed to permit dwellings such as those in the town's veterans housing project, which have two dwelling units on each side of a property line with a party wall on the common lot line.	

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Residence Uses (Continued) SR GR MRA MRB NB LB GB PL

3. (Continued)

shall have a total of at least 768 square feet of living space floor area, and that each lot shall have a minimum street frontage of fifty feet.

4. Garden apartments, provided NO NO Yes Yes No No No No

that (a) there shall be at least 2,500 square feet of lot area for each dwelling unit, (b) the gross floor area, excluding only garages and uninhabited basements, of all principal structures shall not exceed thirty per cent of the area of the lot, (c) there shall be an average of at least 750 square feet of gross floor area, excluding only garages and uninhabited basements, for each dwelling unit, and (d) the site shall be suitably landscaped.

A separate district is provided to assure adequate public control over designation of areas to be zoned for such use.

Provisions (a) and (b) assure that the dwelling density will be no greater than in the General Residence district. It is recommended that two-family houses and garden apartments have the same ground area requirement. For these uses, a minimum lot area of 2,500 square feet per dwelling unit is required by this section and Section 5-d.

Provision (c) would result in an actual apartment size of about 600 sq. ft. after hallways, stairs, etc. are subtracted.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

<u>Residence Uses</u> (Continued)	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRE</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
5. Apartment house, provided that (a) there shall be at least 600 square feet of lot area for each dwelling unit, (b) the gross floor area, excluding only garages and uninhabited basements, of all principal structures shall not exceed 150 per cent of the area of the lot, (c) principal buildings shall not occupy more than twenty-five per cent of the total lot area, (d) there shall be an average of at least 750 square feet of gross floor area, excluding only garages and uninhabited basements, for each dwelling unit, and (e) the site shall be suitably landscaped	No	No	No	Yes	No	No	No	No	<p>A separate district is provided to assure adequate public control over designation of areas to be zoned for such use through the rezoning procedure.</p> <p>Provisions (a) and (b) would allow a maximum population density of approximately 70 families per acre, which is about the minimum economically feasible for a high-rise building. Provision (d) would result in an average apartment size of about 600 sq. ft., as noted above.</p> <p>A maximum height of 80 feet and a minimum setback of 40 feet from any property line is prescribed in Section 5-d.</p>
6. Multiple dwelling, subject to all of the following conditions:	No	SP	SP	SP	SP	SP	No	SP	<p>A special permit is required because the sites would usually be too small to justify a zoning district and careful review of plans would be desirable to assure compatibility of the development with the surrounding area. Potential sites for such apartments are shown on the General Plan.</p>

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Residence Uses (Continued)

SR GR MRA MRB NB LB GB PL

a) The building site shall be within or adjacent to a Neighborhood or Local Business district or directly across a street therefrom.

Further limits possible locations in accordance with the General Plan and prevents location in low-density residential areas.

b) The building shall be within 200 feet from the centerline of Trapelo Road, Pleasant Street, that part of Concord Avenue east of Becket Street, or that part of Belmont Street east of School Street.

This provision limits possible locations to main thoroughfares in accordance with the General Plan.

c) No building shall exceed three stories or thirty-five feet in height.

Higher buildings in other than a few special locations would be out of character with the rest of the town, while two or three-story apartments would provide a good transition between residential and commercial districts.

d) There shall be at least 1,250 square feet of lot area for each dwelling unit.

Provisions (d) and (e) restrict the allowable density to twice that allowed in a General Residence district; the additional density would be compatible with denser development prevailing in and around business

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Residence Uses (Continued)

SR GR MRA MRB NB LB GB PL

e) The gross floor area, excluding only garages and uninhabited basements, of all principal structures shall not exceed 60 per cent of the area of the lot.

districts generally. (Provision (d) would set the maximum number of dwelling units possible on a site and (e) would specify the maximum permissible floor area in order not to crowd the site.)

f) There shall be an average of at least 750 square feet of gross floor area, excluding only garages and uninhabited basements, for each dwelling unit.

Same minimum apartment size provision as for the other two types of apartments.

g) A setback of at least 20 feet shall be maintained between any part of a building and any street line or property line.

Even in Business districts, where no setback is required for commercial buildings, apartments should set back some distance from the street line and other property lines in keeping with the prevailing residential character of the community.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Residence Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>
h) Such other conditions or restrictions as the Board of Appeals may prescribe in the interests of the town in carrying out the purposes of this By-Law.								
7. Lodging or boarding house.	No	No	No	No	No	No	No	No

Assures control over any special problems; provision patterned upon Lexington By-Law precedent. This control permits omission in text of such specific items as spacing of buildings or minimum or maximum numbers of dwellings per building which might interfere with imaginative building design and location.

Agricultural Uses

11. Market garden or nursery.	SP	SP	SP	SP	Yes	Yes	Yes	SP
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Limits "farm" use to growth of agricultural products. (Keeping of any livestock requires a special permit under the Accessory Use provisions below.) Also eliminates commercial greenhouses in Residence districts.

Public and Semi-Public Uses

21. Public educational use.	Yes							
22. Private school, including nursery school, dancing school, or music school, charging tuition or fees for attendance or instruction.	SP							

Same as in present by-law.

Same as in present by-law.

	<u>Proposed Text</u>								<u>Commentary</u>
b) <u>Table of Use Regulations</u> (Continued)									
<u>Public and Semi-Public Uses</u> (Continued)									
	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
23. Place of worship and related parish house, rectory or convent.									Same as in present by-law.
24. Private membership club, lodge or social and recreation center, provided that, if located in a residential district, the chief use is not a service customarily carried on as a business.	SP	SP	SP	SP	Yes	Yes	Yes	SP	Amplifies present "clubhouse", now permitted by right in Residential districts. Such a use is most properly located in Business districts but may be appropriate in Residential districts subject to adequate controls.
25. Hospital or Sanitarium.	SP	SP	SP	SP	SP	SP	No	SP	Same as in present by-law except for exclusion from General Business district, where it would be incompatible.
26. Rest home or nursing home.	NO	SP	SP	SP	SP	SP	No	SP	Such a use is not expressly provided for in the present by-law, but is presumably now allowed by special permit in Residence districts and by right in Business districts.
27. Municipal recreation facility.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
28. Municipal building and facility.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Public and Semi-Public Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>
	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	Yes	Yes	Yes	<u>SP</u>
29. Transformer station, sub-station, pumping station or automatic telephone exchange (except a municipal facility) provided that in a residential district such facility is essential to service such residential area and that no public business office nor any storage yard or storage building be operated in connection therewith.					Yes	Yes	Yes	<u>SP</u>

While public utilities are generally free of local zoning controls, utility companies generally comply with reasonable controls and requests in the interest of good public relations.

Automotive Service Uses

31. Off-street parking area for passenger automobiles on a separate lot, provided that the parking area has a hard and dustless surface and is screened from adjacent residential uses by a wall or evergreen hedge at least five feet high, and shall have lighting facilities adequate to service the area and screened from direct beams into adjacent residential areas.	No	No	No	No	Yes	Yes	Yes	<u>SP</u>
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Same as present by-law. Note that this use is listed as a Principal Use and does not cover Accessory parking in either residential or commercial areas (these are separately provided for under Accessory Uses below). The phrase "on a separate lot" has been inserted to further identify this as a separate and independent use like a municipal parking lot.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Automotive Service Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
32. Gasoline service station, provided that no major automobile repairs are made on the premises if located in a Neighborhood Business district, and provided further that the premises shall be screened from adjacent residential uses by a wall or evergreen hedge at least five feet high.	No	No	No	No	Yes	Yes	Yes	No	Adds requirement against major repairs in Neighborhood Business districts to preclude unsightly activities in small business areas with residences usually close by. The screening requirement is highly desirable to protect the amenities and value of adjacent residences.
33. Sale or rental of automobiles and other motor vehicles, provided that outdoor sales and storage areas shall be screened from adjacent residential uses by a wall or evergreen hedge at least five feet high.	No	No	No	No	No	Yes	Yes	No	Adds requirement for a screen wall or hedge, which would greatly improve the appearance of open lots while not completely obscuring the merchandise from view. Also disallows this use in Neighborhood Business districts.
34. Repair garage, provided that all major repair operations shall be conducted within an enclosed building and that outdoor vehicle and equipment storage areas are screened from adjacent residential uses by a wall or evergreen hedge at least five feet high.	No	No	No	No	No	Yes	Yes	No	Adds requirements for conducting repairs inside a building and for screening vehicles and supplies stored outside. Also disallows use in Neighborhood Business districts.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Automotive Service Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
35. Car washing facility containing more than two stalls, provided that all washing operations are conducted within an enclosed building and that the premises are screened from residential uses by a wall or evergreen hedge at least five feet high.	No	No	No	No	No	Yes	Yes	No	Disallows this use in Neighborhood Business districts.

Retail and Consumer Service Uses

41. Retail business or service store or office primarily serving the retail business and service needs of the residents of the vicinity.	No	No	No	No	Yes	Yes	No	No	Restricts allowable businesses to those needed to serve the local neighborhood so Neighborhood Business districts do not expand to the detriment of surrounding residential areas.
42. Retail business or service store or office, including shops for custom work or the manufacture of articles to be sold on the premises, provided that no more than four persons are employed in such manufacturing or custom work.	No	No	No	No	No	Yes	No	No	Commercial uses proposed to be disallowed in General Business districts to prevent further weakening of the existing business areas by competing retail and service enterprises. Also eliminates this use from small neighborhood shopping to protect adjacent residences.
43. General business office.	No	No	No	No	No	Yes	Yes	No	

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Retail and Consumer Service Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>
44. Theater, hall, club or other place of entertainment conducted for profit.	No	No	No	No	No	Yes	No	No
45. Mortuary, undertaking or funeral establishment.	No	No	No	No	Yes	Yes	No	No
46. Motel, hotel or trailer park.	No	No	No	No	No	No	No	No

Light Industrial Uses

51. Research laboratory.	No	No	No	No	No	No	Yes	No
52. Wholesale business and storage in a roofed structure.	No	No	No	No	No	No	Yes	No

53. Open lot storage of buses, delivery trucks, construction trucks and equipment, and similar vehicles, provided that the entire storage area is fully enclosed with a wall or evergreen hedge at least five feet high.	No	No	No	No	No	No	Yes	No
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Allowed in present by-law.

A number of these uses are now located on Belmont Street and in Waverly Square and generally contribute to the blighting of these areas. They are already non-conforming uses under the present by-law and remain so under this provision.

Several such uses are now located in the Waverley Square area and along Pleasant Street. These would become non-conforming uses if they are not already so under the present by-law. The screening requirement is desirable wherever such a use is located in Belmont.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Light Industrial Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
54. Light non-nuisance manufacturing which is not injurious, noxious, offensive or detrimental to a neighborhood by reason of the emission of odor, fumes, dust, cinders, smoke, vapor, flashing, vibration, noise, or any other cause.	No	No	No	No	No	No	Yes	No	Basically the same as in present by-law.
55. Open lot storage of building materials, coal, coke, sand, or other similar material, provided the entire storage area is fully enclosed with a wall or evergreen hedge at least five feet high.	No	No	No	No	No	SP	Yes	No	This provision is needed to permit the town's own storage of such materials.
56. Open lot storage of junk, scrap, paper, rags or other salvage articles.	No	No	No	No	No	No	No	No	While the opening paragraph specifies that only listed uses may be permitted in the town, this and the following items are intended as a further safeguard against undesirable uses.
57. Wholesale storage of flammable liquids, gas or explosives.	No	No	No	No	No	No	No	No	Same as above.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

Light Industrial Uses (Continued)

	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
58. Any trade, industry or use which is noxious, offensive or hazardous by reason of vibration or excessive noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light, refuse matter or electromagnetic radiation.	No	No	No	No	No	No	No	No	Same as above.

ACCESSORY USES

61. A private garage or off-street parking area for not more than three vehicles in Single Residence or General Residence districts, for not more than two vehicles for each dwelling unit in Multiple Residence districts, and for not more than ten vehicles in other districts, except that an off-street parking area for more than ten vehicles serving a business or commercial use on the same lot shall be considered an accessory use in a Business district.	Yes	The present by-law requires a special permit for a garage housing more than two vehicles, but the increasing trend toward three and even four cars per family requires provision therefore; setback requirements in the following section should afford adequate protection.							
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	<u>Proposed Text</u>								<u>Commentary</u>
b) <u>Table of Use Regulations (Continued)</u>									
<u>ACCESSORY USES (Continued)</u>	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
62. A private garage or off-street parking area for more than three vehicles in Single or General Residence districts or more than two vehicles for each dwelling unit in Multiple Residence districts.	SP	SP	SP	SP					Retains present review requirement for larger garages where such might be necessary.
63. Garaging of not more than one commercial vehicle for each dwelling unit in any Residence district, provided that such vehicle may not exceed one and one-half tons in weight or capacity and shall at all times be parked within a fully-enclosed garage.	Yes	Yes	Yes	Yes					The driving home of small commercial vehicles is a fairly frequent occurrence and should not be objectional so long as the vehicle is properly housed and is not overly large.
64. Non-commercial greenhouse, tool shed, or other similar accessory structure, provided the gross floor area of all accessory buildings including a garage does not exceed ten per cent of the gross area of the lot on which it is located.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	The control on the overall size of the accessory building is designed to prevent a disproportionately-large building.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

ACCESSORY USES (Continued)	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
65. Underground fallout or blast shelter, provided that such shelter may be located in a required yard area only if the shelter is covered with at least two feet of earth, the finished grade over the shelter is flush with the immediately adjoining land, and entrances or exits are substantially flush with the ground.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Specifications for shelters in required yards are based on Arlington By-law provisions which have been under consideration for use in Belmont.
66. Tennis or similar court or swimming pool, provided that any swimming pool shall be entirely enclosed by a fence or wall at least five feet high.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	This provision conforms with present practice in the town, but adds specific fencing requirement for safety around swimming pools.
67. The office within a dwelling of a resident physician, dentist or attorney, provided that not more than one person outside the family unit is employed therein and such use occupies not more than twenty-five per cent of the floor area of the dwelling unit.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	The present by-law allows any "customary incidental use" which has raised many problems of interpretation. The recommended provisions basically verbalize the informal criteria which town officials have been using in the past to determine allowable home occupation uses.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

ACCESSORY USES (Continued)	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
68. The renting of rooms in a dwelling to not more than four boarders or lodgers, provided that there shall be no sign or other advertising device indicating such use on the premises.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Prohibition against signs and limitation to only four persons should make this an acceptable use in any district.
69. Accessory living quarters in an accessory building.	No	No	No	No	No	No	No	No	Town officials find there is a tendency for such accessory living quarters to become a second dwelling on a lot and this is difficult to prevent. Where accessory living space is desired for servants or guests, they feel these can be adequately provided in the main dwelling on the property.
70. Permanent signs, provided that:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Signs are not now specifically controlled under the zoning by-law. The proposed requirements attempt to impose as few controls as possible while offering substantial protection from offensive use of signs. Temporary signs such as "for sale" signs or contractors' signs at new building sites are covered by the "other accessory use" general provision (Use 73).
a) In Residence districts, only one sign shall be permitted not exceeding two square feet in area, except that a permitted non-residential use or building may have one or two signs not exceeding twenty square feet in total area. Any lighting									

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

ACCESSORY USES (Continued) of a sign shall be non-flashing and continuous and shall be shielded from shining onto adjacent property.	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>
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b) In Business districts, signs shall either be attached to and parallel with the face of a building or, if not attached to a building or if projected therefrom, shall not exceed twenty-five square feet in area. No sign shall extend above or be located on the roof of any structure. Any lighting of a sign shall be non-flashing and continuous and shall be shielded from shining onto adjacent property.

These provisions for Business districts mean that signs which are attached to the front or side of a building may be of any size (permitting, for instance, the spelling of the name of a store or building in large letters across the face of the building). But if they are freestanding or if they project out from the building (as over a sidewalk): they may have a maximum of 25 square feet. Roof-top signs are generally unattractive and not in keeping with the character of the town. Flashing signs are not now allowed in the town.

71. The keeping of livestock, other than domestic pets.	SP	SP	No	No	No	No	No	SP
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The general term "livestock" in place of the present "horses and cows" provides greater flexibility in controlling the keeping of any kind of farm animals. The large acreage of hospital land warrants having some provision for the keeping of livestock.

Proposed Text

Commentary

b) Table of Use Regulations (Continued)

ACCESSORY USES (Continued)	<u>SR</u>	<u>GR</u>	<u>MRA</u>	<u>MRB</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>PL</u>	
72.The removal of soil, loam, sand, or gravel for sale.	SP	SP	SP	SP	SP	SP	SP	SP	Same as in present by-law.
73.Other accessory use customarily incidental to a permitted principal use, provided that such accessory use in a Residence district shall not include any use which, by reason of excessive noise, appearance, traffic generation or hazard, would be detrimental to the neighborhood in which it is located.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	This general provision is necessary in order not to have to anticipate and list all of the innumerable possible accessory uses. The attempt has been made in the preceding specific list of accessory uses to treat all of those which have posed problems to town officials in the past. This provision adds safeguards against nuisance uses not now in the present by-law.

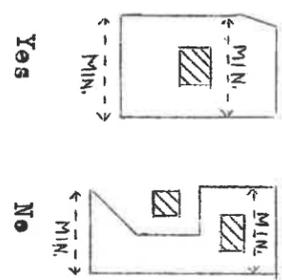
Proposed Text

Commentary

Section 5
DIMENSIONAL REQUIREMENTS

a) Lots Area and Width. In each district, no building or structure shall hereafter be erected on a lot having less than the minimum area, width or street frontage required by Section 5-d for such district, nor shall the width of any lot be reduced below the required minimum between the street frontage and the rear of any principal building or structure erected thereon.

This provision is so worded as to preclude the possibility of lots with very narrow "waists" to utilize the rear of existing large lots.



1) No existing lot shall be reduced to an area, width or frontage smaller than that required by Section 5-d.

This provision permits the use of existing legal lots even if they do not meet the minimum requirements for area, width and street frontage, unless adjacent ones are owned by the same person.

2) A building or structure may be erected on a lot having less than the minimum area, width or frontage required by Section 5-d, provided that the lot was lawful when created and was recorded by plan or deed in the Registry of Deeds before the effective date of this by-law and does not adjoin other land under the same ownership with which it could be combined to create at least three lots containing the minimum required area, width and street frontage.

State law (Chapter 40A, Section 5-e) exempts subdivisions from these provisions for a period of five years after the effective date of the new by-law. That is, nonconforming lots in a legally recorded subdivision, which was approved before the new by-law went into effect, would not have to be regrouped into larger lots unless they still were not built upon at the end of the five-year grace period.

Proposed TextCommentary

b) Yards. In each district, the minimum yard area required by Section 5-d shall be provided for each principal building or structure hereafter erected, and no existing yard shall be reduced below the minimum permitted by such Section.

State law (Chapter 40A, Section 5a) exempts existing lots of record from newer, more stringent yard requirements under certain conditions.

1) No required yard which is provided for one principal building shall be included in a yard which is required for another principal building.

2) No part of any principal building or structure except uncovered stairs shall extend into or over any required yard area, provided that uncovered porches may extend not more than three feet into a required yard.

Present by-law allows "unenclosed porches" to project for an unspecified distance into the front yard, while precluding any projection at all into the side and rear yards.

c) Height of Buildings. In each district, no building or structure shall be erected which exceeds the maximum height set forth in Section 5-d, except that chimneys, spires, towers, masts, and other projections not used for human occupancy may extend above said maximum height.

Same as in present by-law.

Proposed Text

Commentary

d) Table of Dimensional Requirements

District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width & Frontage (Ft.)	Minimum Yard Depth			Maximum Height (Ft.) & No. of Stories
			Front (Ft.)	Side (Ft.)	Rear (Ft.)	
SRA	15,000	100	30	15	40	35 2½ story
SRB	10,000	80	25	10	30	35 2½ story
SRC	7,000	70	25	10	30	35 2½ story
GR	5,000	50	20	8	20	35 2½ story

Present minimums: lot area, 15,000; width, 80'; front yard, 20'; side yard, 8'. Proposed requirements are more in accord with actual practice. They would apply to other principal uses (e.g. a church) as well as to dwellings.

Same as present minimums except for front (now 20') and side (now 8') yards.

Same as present minimums except for front (now 20') and side (now 8') yards.

Yard requirements same as at present except for 20' (now 15') yard. Present by-law has no minimum lot area or width, causing serious problems. The prevailing lot size in the General Residence district is about 5,000 sq.ft. The MRA (Garden Apt.) district requires 2,500 sq.ft. per dwelling unit (Section 4-b-4). If the GR district is allowed a smaller minimum lot area per family, garden apartments would not be as attractive an alternative to developers.

Proposed Text

Commentary

d) Table of Dimensional Requirements (Continued)

District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width & Frontage (Ft.)	Minimum Yard Depth			Maximum Height (Ft.) & No. of Stories
			Front (Ft.)	Side (Ft.)	Rear (Ft.)	
MRA	5,000	50	30	30	30	35 2 story
MRB	5,000	50	40	40	40	80
NB ¹	-	-	-	2	2	35 2 story
LB ¹	-	-	-	2	2	40
GB ¹	-	-	-	2	2	40

New district for neighborhood business uses.

Present by-law permits 60' height. There should be little demand for such high buildings. A building that high would seriously overtax the limited parking supply and not blend well with the surrounding community.

¹For dwelling structures the dimensional requirements of the General Residence district shall apply. In Business districts, no additions to or alterations of an existing dwelling for commercial use may extend into any yard required for a dwelling so long as the building is used in whole or in part as a residence.

²No building in a Business district shall be erected within ten feet of a side or rear lot line where such line serves as the boundary of a Residence district.

Present by-law has almost no dimensional requirements for dwellings in Business districts, with the result that commercial uses have been crowded onto a dwelling site with no regard for open space needs around the dwelling. While primarily designed to assure adequate light and air for the dwelling use, this provision has the added advantage of precluding or discouraging commercial additions to existing dwellings.

Section 5

Proposed Text

Commentary

e) Location and Height of Accessory Buildings and Uses. In each district, no accessory building or structure shall exceed fifteen feet in height or be located in any required yard area set forth in Section 5-d, subject to the following conditions:

The present by-law is unclear in its regulation of accessory building location and makes no provision for the maximum height thereof. The proposed regulations essentially incorporate the informal criteria used by the building official in approving permits for such uses.

1) Such accessory building or structure may extend into or be located in the required rear yard area up to ten feet from any property line, provided that a detached garage of first-class construction may be located at the property line within a required rear yard. No accessory building which extends into a required rear yard shall ever in the future be connected to the principal building by any kind of roofed structure.

Garages of first-class construction are now allowed on the property line while others must set back at least four feet. The proposed 10-foot setback would leave more space between a building or structure and the property line, which space is more likely to be well maintained by the owner than such a narrow strip as four feet. The prohibition against connecting an accessory building in a required yard area with the principal building is designed to guard against its thereby becoming part of the main structure in violation of the setback requirements for main structures.

2) Such accessory building or structure, including a detached garage of first-class construction, shall be at least fifteen feet from the principal building to which it is accessory.

Present practice is to require accessory buildings to be a safe distance from a principal building in case of fire; this ranges from a one-foot separation for an accessory building of first-class construction to ten feet for one of third-class construction. A uniform separation requirement of fifteen feet would better provide sufficient light and air for the principal building as well as afford maximum fire safety.

Proposed TextCommentary

e) Location and Height of Accessory Buildings (continued)

- 3) Any building or structure which is accessory to a dwelling shall be located to the rear of the dwelling, except that the Board of Appeals may issue a special permit for such accessory building to be located elsewhere on the lot if the Board finds that special conditions so warrant.

This provision is designed to prevent accessory buildings from being located in front of a dwelling even if it is set well back from the required front yard area. The special permit provision is intended to provide for special cases such as very hilly or very large lots where an alternate location than behind the dwelling would be acceptable under the prevailing circumstances.

- f) Corner Clearances. Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building or structure, in any district may be erected and no fence and no vegetation except tree trunks may be maintained or allowed to remain between a height of three feet and eight feet above the plane through their center line grades, except that these provisions shall not apply to buildings or structures erected for a business use in a Business district.

Same as in present by-law.

Proposed TextCommentary

Section 6

PARKING REGULATIONS

- a) Provision of Off-Street Parking Facilities. Off-street parking space shall be provided on the same or an adjacent lot for certain uses as specified in Section 6-b, except that such space shall not be required if the computed requirement for non-residential uses is six spaces or less. Each space shall be provided with vehicular access to a street or way. Non-residential parking areas with more than six spaces in or adjacent to Residence districts shall be screened with a wall or an evergreen hedge at least five feet high along any property line in or adjacent to the Residence district.

The present by-law contains no off-street parking requirements, but the need thereof is already well recognized.

Location of parking spaces on a lot is controlled in the dimensional requirements, Section 5-d, which specifies that accessory uses shall observe yard requirements of the district in which they are located except that part of a rear yard may be used for such purposes.

Residences should have protection from the depreciating effects of larger parking lots. Of particular importance are cases where a business in a Business district might use its rear yard for parking. While adjacent property owners could put up their own screen planting, it would be more equitable if the non-residential developer had to absorb this expense.

Proposed Text

Commentary

b) Table of Off-Street Parking Requirements

This table is correlated with the Table of Use Regulations as closely as possible for ease of interpretation and use.

Use	Minimum Number of Spaces Required
<u>Residence Uses</u>	1 for each dwelling unit, except that in a Multiple Residence B district the requirement shall be 1.5 spaces for each dwelling unit.
<u>Public and Semi-Public Uses</u>	
Place of worship	1 for each 10 seats
Private membership club, lodge or social and recreation center	1 for each 200 square feet of useable floor area
Hospital, sanitarium, rest home or nursing home	1 for each 600 square feet of useable floor area
Other	1 for each 3 employees

Police regulations prohibiting overnight parking on the streets have indirectly achieved this objective. Problems have arisen, however, in the case of multiple-family structures.

This is a modest requirement. Some by-laws require 1 for each 5 seats.

Requirement based on physical criteria such as floor space is most readily enforceable, but the wide range of uses included in "other" makes this impractical.

Proposed Text

Commentary

b) Table of Off-Street Parking Requirements (Continued)

Use	Minimum Number of Spaces Required	
<u>Automotive Service, Retail and Consumer Service Uses</u>		
Theater, hall or other place of assembly	1 for each 10 seats	A larger number of spaces would actually be required but, since these uses would be in a Business district, public parking space would augment this requirement.
General business office	1 for each 350 square feet of office floor area	Offices require more extensive all-day parking area than do other commercial uses.
Other	None	Most existing stores and shops do not provide their own parking and the town has provided public parking in the major shopping areas. Individual parking areas for new stores would be both unattractive and an inequitable burden. It is presumed that the town will continue to provide needed parking as in the past.
<u>Industrial Uses</u>		
	1 for each 3 employees on the principal work shift	A requirement based on a number of employees is hard to enforce. However, few if any additional industrial enterprises are anticipated and this requirement is included only as a safeguard.

Section 7

Proposed TextCommentary

Section 7

NONCONFORMING BUILDINGS AND USES

a) Continuance. Any use of a building or structure or of land which was lawful at the time of the adoption of this or any prior by-law may be continued even though such use does not conform to the provisions of this by-law. No nonconforming use may be changed to any other class or type of nonconforming use.

Same as present by-law provision except for additional provisions (1) to protect uses which were already legally nonconforming under the present by-law and (2) to prevent changes from one nonconforming use to another. (Note: conversion from retailing groceries to retailing hardware would not be a change of use—both are retailing goods or services—while a change from a retail store to an automotive repair garage would be such a change of use.)

b) Abandonment. A nonconforming use of a building or structure or of land which has been abandoned for at least one year or which has been converted to a conforming use shall not thereafter be returned to any nonconforming use.

The present by-law makes no provision for the abandonment of a nonconforming use although State law permits a zoning by-law to prohibit resumption of a nonconforming use once it has been abandoned. Most by-laws make provisions similar to those proposed here in order to gradually eliminate nonconforming uses without undue hardship on the affected property owners.

Proposed TextCommentary

c) Alteration. A building or structure housing a nonconforming use may be structurally altered but in no case may it be enlarged or extended more than a sum total of 10% in volume or area during the life of the nonconformity.

The present by-law permits alteration and enlargement. Provision for alteration is desirable because, if a nonconforming use is to be continued, alteration might help to make it more attractive and thus less detrimental to the neighborhood. Extension, however, should not be permitted, in order to encourage eventual elimination of a nonconforming use.

d) Replacement After Catastrophe. If a nonconforming building or structure shall have been damaged by fire, explosion, or other catastrophe to such an extent as to be unsalvageable and to require total replacement, such building or structure shall not be restored and may be replaced only by a conforming building or use. If such a building or structure shall have been only partially damaged and is salvageable without total replacement, it may be rebuilt and restored to the same nonconforming use as previously, provided it is in no way enlarged or extended more than a sum total of 10% in volume or area beyond its extent prior to the catastrophe.

The present by-law not only permits a nonconforming building to be replaced, even if wholly destroyed, but also allows it to be extended up to 25 per cent in cubic volume over the original building. State law permits considerably more restriction on restoration of a nonconforming use. It is a fairly typical requirement to disallow restoration of a nonconforming building which is completely destroyed; and limiting any restoration to the original size or volume would also help discourage perpetuation of a nonconforming use without undue hardship on the owner.

Proposed TextCommentary

Section 8

ADMINISTRATION

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- a) Enforcement. The Inspector of Buildings shall enforce this by-law in manner and with powers similar to these practiced or provided under Article XXII of the by-laws. No permits shall be issued for the erection, alteration or moving of any building or part thereof, plans and intended use for which are not in conformity with the provisions of this by-law.
- Same as present by-law.
- b) Occupancy Permit. It shall be unlawful to use or permit the use of any building or part thereof hereafter erected or altered or the open spaces of which are in any way reduced until the Inspector of Buildings shall have certified on the building permit that the building or part thereof so erected or altered, the proposed use thereof and the open spaces thereof conform to the provisions of this by-law.
- Same as present by-law.
- c) Penalty for Violation. The penalty for violating any of the provisions of this by-law shall be fifty dollars for each offense. Each and every day a violation of this by-law is continued beyond a period of thirty days, after due notice by the building inspector to cease or remove such violation, shall be deemed to constitute a separate offense.
- The present by-law provides only a \$20 fine and makes no provision to discourage a continuing violation. Thus, enforcement could only be achieved through injunction procedures.
-

Proposed TextCommentary

- d) Provision for Board of Appeals.
The Selectmen of the town may appoint themselves as the Board of Appeals or they may appoint a separate Board of Appeals which shall consist of three members. In the latter case the members shall be appointed for terms of such length and so arranged that the term of one appointee will expire each year. The Board of Selectmen may also appoint two associate members for terms of two years who may be designated by the chairman of the Board of Appeals to serve on the Board in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board until such vacancy is filled by the Board of Selectmen.
- e) Powers of Board of Appeals. The Board of Appeals, after public hearing and in the manner prescribed in the General Laws, may:
- 1) Decide appeals from alleged error in any decision or order of the Inspector of Buildings, provided that such appeal is filed within fourteen days after the order or decision has been rendered;
 - 2) Grant a variance from the requirements of the by-law where, owing to conditions especially affecting the subject building or parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the appellant, and where

Under this provision the Selectmen could continue to appoint themselves as the Board of Appeals— with each Selectman's term as a member of the Board of Appeals coinciding with his term as a Selectman—or they may establish a separate Board of Appeals in the manner provided in the State Enabling Act. The present wording of the by-law does not give them this choice.

The provision for associate members of the Board of Appeals has obvious merit, but is permissive rather than mandatory.

Chapter 40A of the General Laws prescribes in complete detail how the Board must advertise its hearings and make its findings, making it unnecessary (because of amendments thereto from time to time by the General Court) to repeat them in the town by-law.

Chapter 40A, Section 15-3, specifies the Board must find these specific conditions prevail before a variance is issued. The requirements of Chapter 40A are repeated almost verbatim for the convenience of prospective appellants who might not have ready access to state statutes.

Proposed TextCommentary

desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this by-law, but not otherwise.

3) Grant a special permit where such permit is required by this by-law provided that, in its judgment, all of the following conditions are met:

- i) The specific site is an appropriate location for the proposed building, structure or use.
- ii) The proposed use will not adversely affect the neighborhood.
- iii) There will be no nuisance or serious hazard to vehicles or pedestrians.
- iv) Adequate facilities will be provided for the proper operation of the proposed use.

These provisions provide general criteria for evaluating any use requested under the special permit procedure.

Proposed TextCommentary

Section 9AMENDMENTS

- a) Initiation, Hearing and Report.
It shall be the duty of the Planning Board upon petition signed by the owners of forty per cent in assessed valuation of the property contained in any given district or of all the owners in any part thereof containing not less than two contiguous acres, or upon its own initiative from time to time, to hold a public hearing in accordance with the requirements of the General Laws for the consideration of amendments altering the boundaries of any district hereby established, or the regulations hereby applied to same, and to submit to the Town for action its recommendations in regard to the same.
- b) Change of Boundaries. Any petition for the alteration of the boundaries of any zoning district shall be accompanied by an accurate plan, size 20 inches by 30 inches, on the scale of either forty feet to the inch or eighty feet to the inch showing the changes proposed by the petition. The Planning Board in its report to the Town on any petition to alter the boundaries of any zoning district or on its own initiative shall file with the Town a similar

Same as present by-law except that reference to the General Laws has been included since they spell out in complete detail the manner of making amendments, including public hearing requirements.

Same as present by-law.

Proposed TextCommentaryb) Change of Boundaries (continued)

plan showing the changes recommended. The Town Meeting shall not act upon the question of altering the boundaries of any zoning district or districts until the same has been reported on by the Planning Board as herein provided. No action shall be taken by the Town except as to acceptance without amendment of the plan filed by the petitioner, or plan filed by the Planning Board as aforesaid or on some modification of either plan, made or approved by the Town Engineer.

Section 10
INTERPRETATION

- a) Conflict of Laws. This by-law shall not interfere with or annul any by-law, rule, or regulation provided that, unless specifically stated herein to the contrary, where this by-law is more stringent it shall control. Same as present by-law.
- b) Validity. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision hereof. Same as present by-law.
- c) When Effective. So much of this by-law as is approved by the Attorney General shall go into effect upon its publication as required by law. Same as present by-law.
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II. PROPOSED ZONING MAP CHANGES

The zoning map is the legal instrument which divides the town into various districts as established in the text of the by-law and precisely describes the boundaries of each. Thereafter, within each district, uniform regulations apply to all privately owned land in that district.

Relationship to the General Plan

The General Plan is a long-range program for the development of all land in the town, whether public or private, and for co-ordinating various public facilities and the street pattern with the use of land. In addition to forming the basis for a six-year program of capital improvements, it also provides a framework within which correct decisions affecting community development can be made. It is not a zoning map.

In order to carry out those objectives of the General Plan which concern the private use of land, changes in the zoning map should reflect the appropriate recommendations of the General Plan. Even when this is done, the zoning map will still not be exactly comparable to the General Plan since the latter includes various types of public and semi-public uses of land which are not normally given a zoning district classification of their own.

A copy of the present zoning map is included in this report so that the following zoning proposals can be readily identified and can be evaluated in the light of the long-range recommendations for the use of land in the town

Recommended Initial Changes

Since most of the land in Belmont is already developed, the General Plan coincides largely with the existing land use and zoning pattern. For this reason, too, a new zoning map will have much the same district boundaries as the present one, with district classifications carried over onto the new zoning map (i.e., the present Single Residence A district would be the new Single Residence A district with no change in boundaries unless so recommended below).

However, a number of changes are recommended at this time in order to accomplish some of the objectives of the General Plan. The proposed initial changes, which are circled on the present zoning map, are as follows:

1. Convert the existing General Residence district on the west side of Claflin Street to a Parking Lot district.
2. Amend the zoning map to include a Parking Lot district at Linden Avenue as indicated in the preliminary General Plan.
3. Convert a strip of land 50 feet wide and 400 feet long in the center of the block bounded by Pleasant Street, Alexander Avenue, Leonard and Moore Streets from a Single Residence district to a Parking Lot district.
4. Convert the following Local Business districts to Neighborhood Business districts:
 - a. Intersection of Pleasant and Brighton Streets
 - b. Intersection of Waverley and Beech Streets

- c. Intersection of Belmont and Jonathan Streets
- d. Belmont Street between Vincent and Harriet Avenues
- e. East side of Brighton Street adjacent to the B & M Railroad right-of-way (the present research office building is already nonconforming under present zoning regulations, and further development of this district should be restricted as soon as possible to those of neighborhood business character to further the objective of preserving the immediately surrounding area for residential use).
- f. Concord Avenue and Bright Road (the present sporting goods store would be the only nonconforming use, the balance of the present uses being of neighborhood business character).

In all but one of the above cases, the existing use of the areas involved conforms to the proposed Neighborhood Business zoning regulations. Present district boundaries could be retained, changing the classification only; however, it would be desirable to reduce the areas of as many as possible to coincide with those shown on the General Plan.

- 5. Convert to Multiple-Family Residence A district (for garden apartments) the following area now zoned for General Residence: That area bounded by the M.D.C., Alewife Brook reservation, the town boundary with the City of Cambridge, and Brighton Street (except the existing Local Business district proposed above for conversion to a Neighborhood Business district zoning). As explained in the preliminary General Plan report, this site may now be intensively developed with two and four-family housing whereas garden apartments under proposed controls would be far more attractive in appearance.
- 6. Convert the following two sites to Multiple Residence B district (permitting high-rise apartments): the present Town Hall site and the property on the north side of Trapelo Road at Pleasant Street. These are the only two sites recommended for such zoning in the preliminary

General Plan. It is recommended that the latter site be rezoned as soon as possible to preclude redevelopment of the site with commercial uses which could sap much of the commercial potential from the rest of Waverley Square.

7. Widen the present Local Business district in Cushing Square on each side of Common Street between Trapelo Road and Belmont Street (to a depth of 125 feet on the east side and 150 feet on the west side) as suggested in Technical Report No. 3.
8. Convert to Single Residence C district all of the present General Residence district from (and including) the Penny Land on Concord Avenue eastward to Underwood Street, as well as all of the General Business district within the Concord Avenue Park. Such change would prevent disposition of any of the public property for commercial use without Town Meeting action (retaining it for the extensive public uses thereon recommended in the General Plan) and would clarify the zoning map in accordance with the usual practice of zoning public and semi-public land the same as surrounding areas.

Subsequent Amendments to the Zoning Map

The foregoing recommendations will move in the direction of accomplishing the objectives of the General Plan without substantially curtailing reasonable uses of the affected properties.

Other needed changes in the zoning map affect the various business districts, particularly those along Trapelo Road and Belmont Street. As indicated in both Technical Report No. 3 (Improvement Possibilities for Business Districts) and the preliminary General Plan it is very important that the existing "strip" business zones be eliminated by

rezoning to residential use the areas between established business centers and by expanding the business zoning around some of the centers to improve their opportunities for attracting good development. These proposed changes will necessarily make a number of properties nonconforming, so it is important that such proposals not be presented for official action until they have been carefully explained to the public and their necessity is generally recognized. It is recommended, however, that such efforts be made as soon as possible to prevent further deterioration in the appearance of the areas involved and to strengthen the economic potential of the principal business centers.

SUPPLEMENTAL PROVISIONS FOR INSERTION IN ZONING BY-LAW

Additional Provision Under "Residence Uses," Section 4 (Use Regulations)
(Section 5 in previously-submitted draft)

3. Four-family detached dwelling on a separate lot, provided that each dwelling unit shall have a total of at least 768 square feet of living space floor area, and provided further that, in subdivisions legally recorded in the Registry of Deeds at the time this by-law became effective, the lot shall have a minimum area of at least ten thousand square feet and a minimum street frontage and width of at least one hundred feet and that, in any subdivision recorded after the effective date of this by-law, the lot shall have a minimum area of at least fourteen thousand square feet and a minimum street frontage and width of at least one hundred and forty feet.

This provision is designed to permit so-called "fourplexes" such as in the Town's veterans housing project. These are now allowed through the strategy of having two dwelling units on each side of a property line with a party wall on the common lot line. Such dwellings have been erected usually on lots of about 5,000 square feet each. Thus, for existing lots, the proposed provision is the same as at present except that it would require the two lots to be combined into one large lot to (1) keep the entire building under one ownership and (2) permit more flexibility of building design than is possible under the present party-wall strategy. A requirement of 14,000 square feet for new lots created after the by-law becomes effective is necessary to coincide with the proposed minimum lot size for two-family dwellings of 7,000 square feet.

TO BE ALLOWED IN GENERAL RESIDENCE THRU LOCAL BUSINESS ZONES

Proposed Language for Establishing Board of Appeals (Section 8-d)

(d) Provision for Board of Appeals. The Board of Selectmen shall appoint a Board of Appeals which shall consist of three members. Each member shall serve for a term of three years so arranged that the term of one appointee shall expire each year. The Board of Selectmen may also appoint two associate members for terms of two years who may be designated by the Chairman of the Board of Appeals to serve on the board in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board until such vacancy is filled by the Board of Selectmen.

This provision establishes a Board of Appeals in the manner provided in the State Enabling law, which requires that the Selectmen appoint members of the Board of Appeals. Under this provision the Selectmen may, of course, continue to appoint themselves to the Board of Appeals (with each Selectman's term as a member of the Board of Appeals coinciding with his term as a Selectman).

The provision for associate members of the Board of Appeals has obvious merit, but is permissive rather than mandatory.

APPROVED BY
BOARD OF SELECTMEN
DATE: *March 14, 1955*

APPROVED BY
PLANNING BOARD
DATE: *March 14, 1955*

KEY

-  GENERAL BUSINESS
-  LOCAL BUSINESS
-  GENERAL RESIDENCE
-  SINGLE RESIDENCE A
-  SINGLE RESIDENCE B
-  SINGLE RESIDENCE C
-  PARKING LOT

NOTE:
CL INDICATES CENTER LINE
ML INDICATES MEDIAN LINE

ZONING MAP OF THE TOWN OF BELMONT



JOSEPH W. KALES TOWN ENGINEER

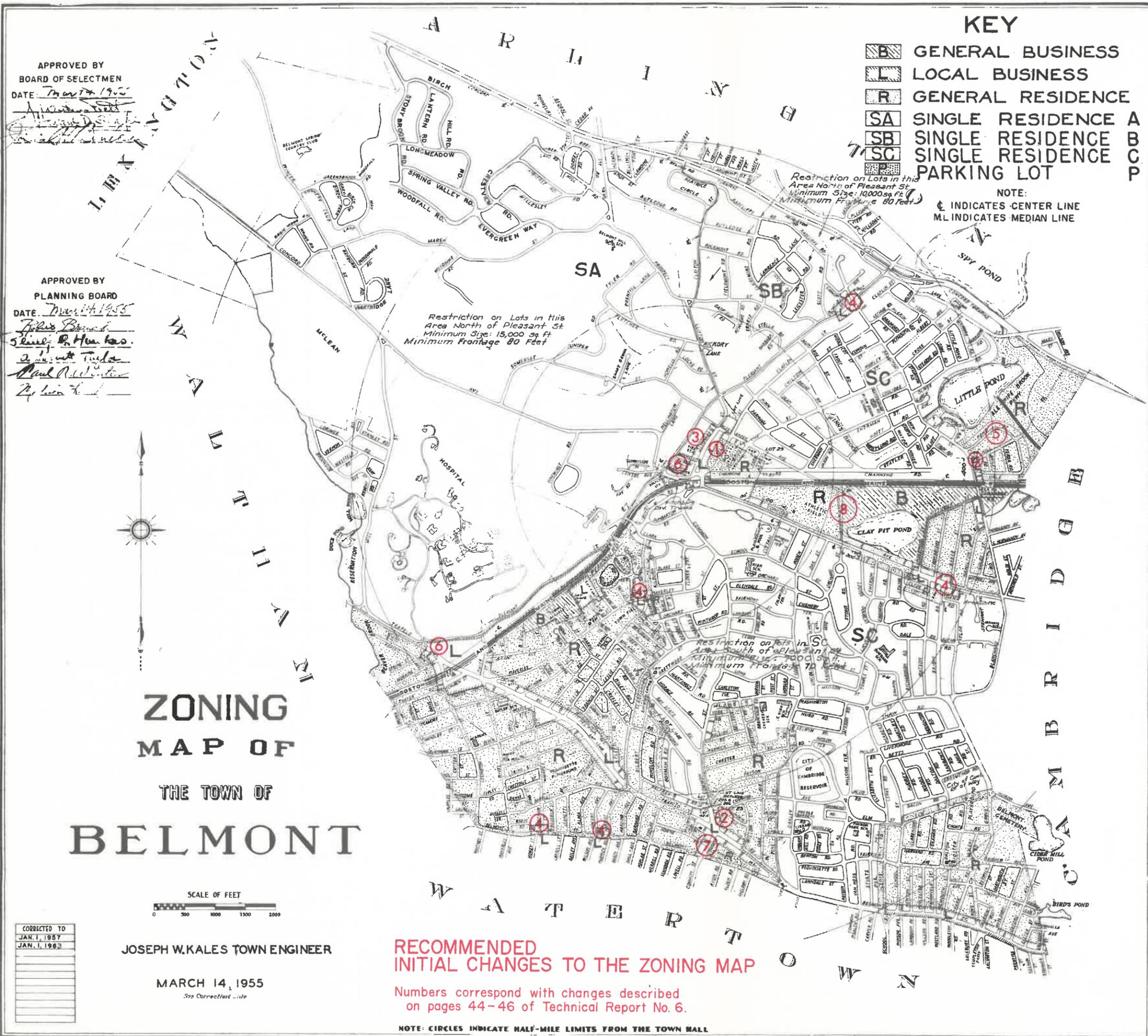
MARCH 14, 1955
See Correction Note

CORRECTED TO
JAN. 1, 1957
JAN. 1, 1963

RECOMMENDED INITIAL CHANGES TO THE ZONING MAP

Numbers correspond with changes described
on pages 44-46 of Technical Report No. 6.

NOTE: CIRCLES INDICATE HALF-MILE LIMITS FROM THE TOWN MALL



OTHER PUBLISHED REPORTS
ON THE BELMONT GENERAL PLAN

A Planning Program for Belmont, Mass.
December, 1960

Alternative Land Development Policies for the Town of Belmont
February, 1962

Technical Reports for the Plan:

1. Community Facilities, except Schools and Recreation
December, 1962
2. Traffic Circulation and Parking
December, 1962
3. Improvement Possibilities for Business Districts
January, 1963
4. Schools and Recreation
February, 1963
5. Preliminary General Plan
February, 1963