6B. McLean District Zone 3 Overlay District
Delete Section 6B 'Belmont Uplands' and insert this new Section 6B

(July 16, 2020 - Redline)

6B.1 General

6B.1.1 Purposes:

This Section 6B is intended to permit well-designed, mixed-use residential housing consisting of multi-family dwelling units and detached townhouses within Zone 3, the Senior Living Subdistrict of the McLean District so as to:

a) Provide for the housing needs of the Town by making provisions for housing to be occupied by a variety of households who otherwise would not have such housing opportunities within the Town.

b) Provide added diversity of housing types attractive to a variety of households and income eligibility.

c) Provide for the development of affordable housing for income eligible households and seniors.

d) Promote low-impact, energy-efficient development.

e) Ensure high quality site planning, architecture, and landscape design that is consistent with the distinct visual character, historical significance, and identity of the McLean District.

f) Establish development standards that ensure context-sensitive design and creative site planning in the construction of new buildings and reuse of existing buildings.

6B.1.2 Siting and Boundaries of McLean District Zone 3 Overlay District

The McLean District Zone 3 Overlay District (the "MDZ3OD") shall consist of two Subdistricts: A and B. Subdistrict A shall permit the development of Age-Restricted Townhouse Dwelling Units and Subdistrict B shall permit the development of both Age – Restricted and Non-Age Restricted Multi-Family Rental Housing Dwelling Units.

The boundaries ~~of the McLean District Zone 3 Overlay District (~~the "MDZ3OD"~~)~~ and Subdistricts A and B are shown on the Zoning Map on file with the Town Clerk and include the underlying McLean District Zone 3, the Senior Living Subdistrict.

6B.1.3 Applicability and Authority

The MDZ3OD shall be considered as overlaying the McLean District and its Senior Living Subdistrict. The MDZ3OD provides for an additional development option to be employed at the discretion of the property owner(s), subject to the requirements of Design and Site Plan Review in accordance with Section 6B.6.

Within the MDZ3OD, all requirements of the underlying Senior Living Subdistrict shall remain in effect, except where this Section 6B provides an alternative to such requirements.

Land within the MDZ3OD may be used either for uses as set forth in this Section 6B or a use allowed in the underlying Subdistrict, in which case the requirements of the underlying Subdistrict shall apply and this Section 6B shall not apply; and if the provisions of the MDZ3OD conflict with the requirements of the underlying Subdistrict, the requirements of the MDZ3OD shall control.

6B.2 Use Regulations

The following is permitted in the MDZ3OD Subdistricts:

6B.2.1 Subdistrict A – Age-Restricted Townhouse Dwelling Units

a) The maximum number of dwelling units that may be developed shall be 40 dwelling units, provided however that up to two additional dwelling units may be created as provided in Section 6B.2.4.

b) Permissible housing types shall be attached or detached townhouse dwelling units. Dwelling units shall be contained in groupings of one- to four-unit buildings.

c) Dwelling units shall be developed as an owner-occupied condominium.

d) Age-Restriction - Occupancy of dwelling units shall be limited to any of the following:

1. A person who is 55 years of age or older (an “Age-Qualified Occupant”);

2. A spouse, under 55 years of age, of an Age-Qualified Occupant may reside in the Age-Qualified Occupant’s unit;

3. A spouse who survives an Age-Qualified Occupant may continue to reside in the Age-Qualified Occupant’s unit;

4. A spouse where the Age-Qualified Occupant has moved out of the unit and into a long-term care facility may continue to reside in the Age-Qualified Occupant’s unit;

5. A child, brother, or sister of an Age-Qualified Occupant or spouse who is dependent upon said Age-Qualified Occupant or spouse may reside in the Age-Qualified Occupant’s unit; and

6. A paid caregiver providing medical or health care to an occupant who is permitted under this Section 6B.2.1 d) may reside in the Age-Qualified Occupant’s unit.

7. Should the age-qualified occupant predecease their spouse and resident dependent child, the spouse and dependent child may continue to reside in the Age-Qualified Occupant’s unit.

6B.2.2 Subdistrict B – Multi-Family Rental Housing Dwelling Units

a) The maximum number of units that may be developed shall be 110 dwelling units, with a mix of studios, one-, two-, and three-bedroom dwelling units; provided, however, that up to two additional dwelling units may be created as provided in Section 6B.2.4.

b) Of the 110 dwelling units, 57 shall not be age-restricted and the remainder shall be subject to the Age-Restriction of Section 6B.2.1.d.

c) Permissible dwellings shall be one or more multi-family apartment buildings with associated underground or surface parking. An apartment building is a multi-story, multi-family building designed or intended or used as the home or residence of three or more households, each in a separate dwelling unit, living independently of each other and which have a common right in halls, stairways, parking, and common area amenities.

d) A pool, clubhouse, and other community facilities (such as but not limited to a community room, gym, library, business center, pet washing center, rooftop deck, maintenance building, trash/recycling facility) may be allowed as accessory uses, provided that such facilities shall not made be available to people other than residents of Subdistricts A and B and their visitors.

6B.2.3 Existing Access Limitations

The access limitations contained within Section 6A.3.3 shall apply to the MDZ3OD. Vehicular access to the Residential Subdistricts and the McLean Institutional Subdistrict shall be via Mill Street, except in case of emergency access. Vehicular access to the Senior Living Subdistrict, the Research and Development Subdistrict, and the MDZ3OD shall be via Pleasant Street, except in case of emergency access.

Shuttle bus access, however, may be allowed between Zones within the McLean District provided that the homeowner associations from each of the Zones that the shuttle bus passes through enter into a written agreement allowing such access.

6B.2.4 Reuse of the Chapel Building

A bonus density of two dwelling units shall be granted based on rehabilitation and reuse of the Chapel Building provided that the rehabilitation and reuse of it is consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation, subject to review as defined in Section 6B.5.1 (Design Guidelines, General Guidelines). These units may be constructed within either Subdistrict or both, subject to Subsections 6B.2 and 6B.3 and excluding Subsection 6B.4 and provided that the total number of additional units does not exceed two. If the bonus units are located in Subdistrict B, the units shall be non-age-restricted. Additionally, the total square footage of the bonus units does not count towards the total allowed square footage within that Subdistrict.

Or use the text from the McLean By-Law
A bonus density of two dwelling units shall be granted based on rehabilitation and reuse of the Chapel Building provided that the rehabilitation and reuse of it is consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation, subject

to review as defined in Section 6H.5.1 (Design Guidelines, General Guidelines). Such units shall not have a maximum gross floor area so long as they are located within the existing Chapel Building as preserved and restored. Such units shall have a maximum average gross floor area of 3,000 square feet if they are located outside the Chapel Building preserved and restored. These units may be constructed within either Subdistrict or both, subject to Subsections 6B.2 and 6B.3 and excluding Subsection 6B.4 and provided that the total number of additional units does not exceed two. If the bonus units are located in Subdistrict B, the units shall be non-age-restricted. ~~Additionally, the total square footage of the bonus units does not count towards the total allowed square footage within that Subdistrict.~~

6B.3 Performance and Design Standards

All development projects proposed within the MDZ3OD shall require Design and Site Plan Review by the Planning Board, as provided for in Section 6B.6, to ensure conformance with the following Performance and Design Standards (unless waived by the Planning Board as provided herein):

6B.3.1 Subdistrict A - Performance and Design Standards:

a) Bedrooms. No townhouse dwelling unit shall consist of more than three bedrooms and the average number of bedrooms for all units in Subdistrict A shall not exceed 2.6 (rounding up). Any separate room in any unit that is not a living room, home office/den, or an equipped kitchen and is shown on a plan as being for other than bedroom use but which, because of location, size, or arrangement, could be used or adapted for use as a bedroom shall be considered as a bedroom for purposes of this provision. No attic, loft, or other storage or similarly usable space shall be used as, or altered to, create bedroom space, nor shall the design or construction facilitate such use or alteration.

b) Living area. No townhouse dwelling unit shall exceed 3,600 square feet of Gross Floor Area, inclusive of basement area whether or not finished but exclusive of unfinished garage, unfinished attic area and exterior porch or deck areas. No townhouse dwelling unit shall exceed 2,400 square feet of living area, exclusive of any basement area, unfinished garage, unfinished attic area and exterior porch or deck areas. A total gross floor area of 144,000 square feet is allowed based on 40 dwelling units of new construction, excluding the dwelling units allowed under Section 6B.2.4.

Text from the McLean By-Law
Gross floor area shall have the meaning set forth in this Zoning By-Law except that such area shall include all structures within the Subdistrict (except for the preserved Chapel Building), not within a given lot, and except that interior parking areas shall be excluded.

c) Setbacks, Height.

Minimum Setbacks (Feet)			Maximum Height	
Front	**Side**	**Rear**	**Feet**	**Stories**
10	10	10	36	2.5

1. **Text from the McLean By-Law**
   Minimum setback shall be from the buildings to the Subdistrict boundary line. No parking areas may be placed within such setbacks.

2. The height of a townhouse dwelling unit shall not exceed 36 feet to the ridge.

3. For the purposes of this Section 6B.3.1, each townhouse dwelling unit shall be considered a separate building for the purpose of determining height hereunder. For the purposes of this Section 6B, "Height" shall mean the vertical distance from the average finished grade adjoining the building at all exterior walls to the highest point of the roof. No flat or shed roofs shall be allowed on buildings or building elements of more than one story.

d) Retaining walls shall be no higher than ten feet.

e) Fences shall be no higher than four feet.

f) Minimum open space shall be 40% of lot area. Maximum lot coverage shall be 30% of lot area. Maximum impervious surface coverage shall be 60% of lot area. For the purposes of this Section 6B, "impervious surface coverage" shall mean the total area of all surfaces including buildings, parking lots, driveways, and sidewalks that reduce or prevent the absorption of stormwater into land.

g) Parking requirements. No more than two parking spaces shall be allowed per dwelling unit (including any dwelling unit designated to be in Subdistrict A under Section 6B.2.4), consisting of a mix of surface and garage parking spaces, plus no more guest/visitor spaces than .3 times the number of townhouse dwelling units (rounding up). Parking spaces shall only be used by residents of Subdistrict A, their visitors and guests.

6B.3.2 Subdistrict B - Performance and Design Standards:

a) Mix of Units. A maximum of 10% of the total number of units shall be set aside for 3-bedroom units, with a mix of other sized units consistent with the purposes of Section 6B.1.1.

b) A total gross floor area of 250,000 square feet shall be allowed based on 110 dwelling units of new construction, excluding the dwelling units allowed under Section 6B.2.4.

c) Setbacks, height.

Minimum Setbacks (Feet)			**Maximum Height**	
Front	**Side**	**Rear**	**Feet**	**Stories**
10	10	10	58	5

1. **Text from the McLean By-Law** - Minimum setback shall be from the buildings to the Subdistrict boundary line. No parking areas may be placed within such setbacks.

2. 4 stories of multi-family rental housing with 1 story garage underneath. Does the height in feet need to change accordingly?

~~*3. What about the height of the HVAC, antennas, etc. located on the roof? Should it be specifically included or excluded from height? We cannot count on other parts of the By-Law to address this. What about the height of HVAC, antennas, etc., located on the roof? Should it be specifically included or excluded from height? We cannot count on the other parts of the By-Law to address this. Get language from other by-law*~~

3. **From the South Pleasant Street Overlay District** -
   All mechanical systems shall be contained within the buildings

   Or the text from the existing Zoning By-Law Section 4.2.2 B. 1.
   Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.

d) Retaining walls shall be no higher than ten feet.

e) Fences shall be no higher than four feet.

f) Minimum open space shall be 30% of lot area. Maximum lot coverage shall be 40% of lot area. Maximum impervious surface coverage shall be 70% of lot area.

g) Parking requirements. No more than 1.3 parking spaces per dwelling unit (rounding up) (including any dwelling unit designated to be in Subdistrict B under Section 6B.2.4), consisting of a mix of surface and garage parking spaces. Parking spaces may be located in a parking garage(s) located beneath the building(s); however, surface parking spaces for visitors, deliveries and guests may be located outside the building.

h) Bicycle Parking. Bicycle parking or bike storage spaces shall be provided at the ratio of at least ½ space per dwelling unit (rounding up) (including any dwelling unit designated to be in Subdistrict B under Section 6B.2.4). At least 80% of the minimum required bicycle parking spaces shall be covered (rounding up). The spacing of all bicycle parking shall be 30” on center minimum.

6B.4 Affordability Requirements

The Applicant for a Design and Site Plan Approval under this Section 6B shall provide for a number of units to be made available as low- and moderate-income housing units (“Affordable Housing Units”) as defined in M.G.L. c40B (or successor statutory provision) and shall qualify as Affordable Housing included in the Subsidized Housing Inventory (“SHI”) (or successor counting mechanism) under applicable regulations of the Massachusetts Department of Housing and Community Development (“DHCD”) or other applicable legal authority (the “Administering Agency”).

6B.4.1 Subdistrict A - Number of Affordable Housing Units:

a) 15% of the townhouse dwelling units, excluding units created subject to Subsection 6B.2.4, Reuse of Chapel Building, shall be affordable to income-eligible households at or below 80% Area Median Income (AMI).

b) Where the calculation of Affordable Housing Units results in a fractional unit greater than one-half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation of Affordable Housing Units results in a fractional unit less than or equal to one-half (.5), the fraction shall be rounded down to the next whole unit.

6B.4.2 Subdistrict B - Number of Affordable Housing Units:

25% of the aggregate number of units in Subdistrict B, including units created subject to Subsection 6B.2.4, Reuse of Chapel Building, shall be affordable to income-eligible households as follows:

a) 20% of the dwelling units shall be affordable to income-eligible households at or below 80% of AMI, and

b) 5% of the dwelling units shall be affordable to income-eligible households at or below 50% of AMI.

c) The affordable units shall be divided proportionally between age-restricted and non-age restricted units.

d) Where the calculation of Affordable Housing Units results in a fractional unit equal to or greater than one-half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation of Affordable Housing Units results in a fractional unit less than one-half (.5), the fraction shall be rounded down to the next whole unit.

6B.4.3. General:

a) Design. All Affordable Housing Units must be comparable in initial construction quality and exterior design to the unrestricted dwelling units. However, nothing in this Section 6B is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law.

b) Mix of housing types. The mix of bedrooms in the Affordable Housing Units shall, insofar as practicable, be the same as the mix of bedrooms in all units in the Subdistrict.

Text from Section 6.10.7, Inclusionary Housing –
Affordable Housing Units shall be dispersed throughout the building(s) and shall be comparable to Market-Rate Housing Units.

c) The Affordable Housing Units must have the same access and terms of use to all on-site amenities and services as other occupants in the same Subdistrict.

d) Timing. All Affordable Housing Units must be constructed and occupied not later than concurrently with construction and occupancy of unrestricted units. For any development that is approved in phases, the proportion of Affordable Housing Units shall be consistent across all phases.

6B.4.4 Monthly Housing Payment:

a) In Subdistrict A. For an Affordable homeownership Housing Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and homeowner's association fees, insurance, and parking, shall not exceed 30% or such other ratio or criteria established by DHCD or its successor agency of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the townhouse dwelling unit plus one.

b) In Subdistrict B. The monthly rent payment for an Affordable rental Housing Unit, including utilities and parking, shall not exceed 30% or such other ratio or criteria established by DHCD or its successor agency of the maximum monthly income permissible for an eligible household, with price determined assuming a family size equal to the number of bedrooms in the unit plus one unless other affordable program rent limits approved by DHCD shall apply.

c) Affordable Housing Units required to be offered for rent or sale shall be rented or sold to and occupied only by income eligible households.

6B.4.5 Affordable Housing Restriction.

Each Affordable Housing Unit shall be subject to an affordable housing restriction which is recorded with the Middlesex County Registry of Deeds or Land Court Registry District of Middlesex County. The affordable housing restriction shall provide for the implementation of the requirements of this Section 6B.4. All affordable housing restrictions must include, at minimum, the following:

a) Description of the development, including whether the Affordable Housing Unit will be rented or owner-occupied.

b) A description of the Affordable Housing Unit by address and number of bedrooms.

c) The term of the affordable housing restriction shall be in perpetuity.

d) The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction.

e) Reference to a housing marketing and resident selection plan, to which the Affordable Housing Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size

appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.

f) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the housing marketing and selection plan.

g) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

h) A requirement that only an income eligible household may reside in an Affordable Housing Unit and that notice of any oral or written lease, sublease, or grant of occupancy rights of any Affordable Housing Unit to another income eligible household shall be given to the Administering Agency.

i) Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency.

j) Provision that the restriction on an Affordable homeownership Housing Unit shall run in favor of the Administering Agency and the Town of Belmont, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an income eligible household.

k) Provision that the restriction on Affordable rental Housing Units in a rental development shall run with the rental development and shall run in favor of the Administering Agency and the Town of Belmont, in a form approved by municipal counsel, and shall limit rental and occupancy to income eligible households.

l) Provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report with the Administering Agency, in a form specified by that Agency certifying compliance with the provisions of this Section 6B.4 and containing such other information as may be reasonably requested in order to ensure affordability.

m) A requirement that residents in Affordable Housing Units provide such information as the Administering Agency may reasonably request in order to ensure affordability eligibility and compliance.

n) Designation of the priority of the affordable housing restriction over mortgages and other liens, and encumbrances.

6B.4.6 Administration

The Administering Agency shall ensure the following:

a) Prices of Affordable homeownership Housing Units are properly computed; rental amounts of affordable rental units are properly computed.

b) Income eligibility of households applying for affordable units is properly and reliably determined.

c) The housing marketing and resident selection plan conforms to all requirements and is properly administered.

d) Sales and rentals are made to income eligible households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.

e) Affordable housing restrictions meeting the requirements of this Section 6B.4 are recorded with the Middlesex County Registry of Deeds or Land Court Registry District of Middlesex County.

The housing marketing and selection plan may make provision for payment by the Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of eligible households, to conduct the housing lottery, and to monitor and enforce compliance with affordability requirements.

6B.5 Design Guidelines

6B.5.1 General Guidelines

The Planning Board shall consider the architectural and aesthetic compatibility of the proposed development project with the character of the Town of Belmont, the McLean Hospital Campus, the Open Space Subdistrict, and Lone Tree Hill, taking into account appropriate scale, massing, and location of buildings on the lot, roof slopes, exterior building materials, site topography, historic significance, and similar factors.

The following objectives and criteria shall be considered in reviewing development projects in the MDZ3OD:

a) Appropriateness of the proposed design and materials of proposed buildings;

b) Impact on traffic and pedestrian flow and safety;

c) Adequacy of utilities, including sewage disposal, water supply, and storm water drainage;

d) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;

e) 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 and other trash receptacles;

f) Adequacy of landscaping/site improvements, and

g) Impact on abutting properties within the Zones 2 and 4, and the Institutional and Open Space Subdistricts of the McLean District.

h) Consistent with Attachment G: Historic Preservation Agreement of the 1999 Memorandum of Understanding, McLean or its developers will consult with the Town of Belmont Historic District Commission regarding the proposed design plans including both architecture and landscape elements.

6B.5.2 Building Design

The detailed design standards below are intended to promote high quality sustainable development.

a) Scale

The size and detailing of buildings should be designed to reduce the visual perception of bulk and mass. The façade should have sufficient architectural detail to mitigate issues of scale and to ensure overall aesthetic appearance.

b) Architectural Features and External Materials and Appearance

Predominant wall finishes should be compatible with the existing historic architecture and other structures in the McLean District.

c) Design of Chapel Building

The Historic District Commission shall determine if proposed renovation of the historic Chapel Building meets the Secretary of Interior's Standards for Rehabilitation.

6B.5.3 Pedestrian, Bicycle, and Vehicle Features

The following pedestrian, bicycle, and vehicle guidelines apply to MDZ3OD development projects:

a) Buildings and site plans should be designed to enhance the pedestrian environment and foster a walkable built environment.

b) Reasonable pedestrian connections should be provided within the Subdistricts and to the adjacent zones, including a trail head access to Lone Tree Hill, Belmont Conservation Land.

c) Benches should be provided at convenient locations throughout the Subdistricts and along Olmsted Drive.

d) The provision of parking should take into consideration the extent to which the design maximizes pedestrian flow within the development

e) Underground parking is strongly encouraged in Subdistrict B.

f) Parking Structures.

The following design guidelines should be considered for projects containing structured parking:

1. Compatibility with the proposed building(s) and surrounding neighborhood with regard to architecture, size, scale, and intensity and mass;

2. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;

~~3. Ingress/egress points should be designed to ensure adequate emergency vehicle access to the parking structure;~~

~~4.~~3. Exterior landscaping should be provided to screen the structure and mechanical equipment from within each Subdistrict and from Zone 2, the McLean Hospital Campus, and Lone Tree Hill;

~~5.~~4. Entire sides or substantial lengths of the parking structure walls should not be open without suitable fenestration. Design should avoid long runs of openings that do not conform to or replicate window patterns consistent with the primary building; and

~~6.~~5. Architectural articulation should be on all sides of the parking structure and of materials compatible with the primary building.

~~7.~~6. Electric vehicle (EV) charging connectivity and stations should be provided in the garages of each Subdistrict.

   i. In Subdistrict A - all required connectivity infrastructure for a parking space should be EV-ready for one space at each residential unit. EV-ready is defined as providing capacity and space for a 50A breaker in the main house panel and outline in construction documents for charging station location. Conduit for future connectivity should be provided from the main house panel to the Garage.

   ii. In Subdistrict B - EV charging stations should be provided for at least 10% of all common parking spaces.

6B.5.4 Landscaping and Site Improvements

The following landscaping and site improvement guidelines apply to the MDZ3OD:

a) The Applicant should be required to install street furniture (benches, planters, trash receptacles, lamps, signs, and bus shelters) and landscaping and landscape screening within proximity of the proposed development project to promote the development of a pedestrian-oriented building environment that enhances connectivity to Waverley Square and transit stops.

b) Street furniture should be made of solid wood, metal, or recycled plastic lumber to ease maintenance.

c) All open space (yards, parking lots, setbacks) should be planted with appropriate plantings or landscaping. Open space should be appropriately usable and open and may consist of landscaped gardens, plazas, sitting areas, sidewalks, or similar features.

d) Open spaces may be utilized to break up a block of buildings in order to provide visual relief.

e) Trash receptacles should be provided at all gathering places and should be properly maintained.

f) Climate requirements, growth potential, and adaptability to the urban environment should be considered when selecting plant types and species.

g) Landscaping should be installed to screen dumpsters, transformers, air conditioning equipment, and other similar outdoor mechanical building equipment.

h) Along the southern boundary of Subdistrict A and the eastern boundary of Subdistricts A and B, to the extent appropriate for density and screening, an area proximate to the boundary should be maintained in an undeveloped and natural condition free of invasives and competitive plant species and enhanced by additional landscaping. Additional landscape buffering may be required along both sides of such boundaries (to the extent permitted by the Town of Belmont Land Management Committee, if on Lone Tree Hill property) to provide visual relief of such structures from view from the adjacent land in the Open Space Subdistrict;

i) Landscape buffer may be required between Olmsted Drive and the townhouses located in Zone 2 of the McLean District.

~~6B.5.5 Maintenance of the Development~~

~~The Applicant shall demonstrate that adequate measures are in place for the private maintenance and management of the development (including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow storage and removal, trash removal and recycling, and non-toxic pest control measures).~~

- ~~Move to Additional Conditions~~
- ~~add as requirement of submission~~

6B.5.6 Lighting

The lighting requirements of Section 5.4.3 of this Zoning By-Law shall apply to buildings within a MDZ3OD development project. Lighting should be arranged and designed to minimize visibility of lights and structures from outside MDZ3OD and minimize light spillover beyond each Subdistrict boundary.

6B.5.7 Environmental Design

Purpose: The following guidelines support the Town of Belmont's Climate Action Plan as approved at Town Meeting on November 16, 2009, and its commitment to an 80% reduction in carbon emissions by the year 2050. They are intended to promote

environmentally responsible site design and green building principles in order to better manage stormwater, conserve natural resources, and reduce the impact of development on the natural environment. The Planning Board shall consider the following guidelines:

a) Buildings within the MDZ3OD should be LEED Silver certifiable, under Version 4 (or later) of the New Construction or Homes Rating Systems by the USGBC.

b) Building roofs should be utilized for the installation of photovoltaic panels.

c) Landscape and Site Development

1. Retention on-site the runoff from the developed site using green infrastructure (GI) and low-impact development (LID) practices should be considered.

2. Pest concerns should be minimized and the risk of exposure to pesticides through appropriate site design measures should be limited.

3. A combination of green space, tree canopy, and light-colored hardscape materials to reduce the heat island effect of the project site should be utilized.

4. Invasive plant species should not be introduced to the project site.

5. Turf grass areas should be reduced and native or adapted plant areas should be increased to reduce outdoor water use.

6. Existing healthy, viable trees should be retained.

6B.6 Design and Site Plan Review

6B.6.1 Objectives.

The objectives of Design and Site Plan Review under this Section 6B.6 shall be to:

a) Evaluate how well the proposed design meets the purposes of Section 6B.1 and guidelines of Section 6B.5 and, where the Planning Board deems appropriate, require changes;

b) Determine the adequacy of measures proposed to mitigate construction period impacts on the natural historic features of the site, on neighboring premises and on the Town roadway system;

c) Determine the adequacy of measures proposed to mitigate the effects of the development on significant natural, historic, and landscape features of the site, including the sloping topography, preservation of specimen trees, and native woodlands;

d) Determine that Environmental Design Standards of Section 6B.5.7 have been addressed.

e) Determine the appropriateness of the proposed design and materials of proposed buildings;

f) Determine that adequate measures have been taken for the private maintenance and management of the development (including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow storage and removal, trash removal and recycling, and nontoxic pest control measures);

g) Determine that the adjoining premises within and outside of the MDZ3OD will be protected against detrimental uses by provision for surface water drainage, sound and light buffers, prevention of undue solar reflection and glare and preservation of views, light, and air;

h) Determine that there will be no hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;

i) Determine the 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 and other trash receptacles;

j) Determine the adequacy of the lighting, landscape planting (including adequate buffers along Subdistrict boundaries including the removal or known invasive and competitive plant species), and other exterior construction features in relation to the proposed use of the site and the interests of the safety, convenience, and welfare of the public;

k) Determine the appropriateness of the relationship of proposed structures and open spaces to the natural landscape, existing buildings, and historic campus; and

l) Obtain appropriate evidence of compliance of the proposed development with the applicable requirements of this Zoning By-Law other than this Section 6B.

m) Determine that sight lines to and from existing historic structures and landscape features are not adversely affected.

6B.6.2 Submittal Requirements

Any Applicant seeking Design and Site Plan Review for a MDZ3OD development shall submit 10 copies of the application, and an electronic copy (e.g., pdf), in such form as the Planning Board may require, which shall include the following:

a) Development plans bearing the seal of a Massachusetts registered professional (architect, landscape architect, 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:

1. New buildings, additions, adjacent structures;
2. Streets, sidewalks, and crosswalks;
3. Existing and proposed open spaces, including, existing and proposed walls, fences, outdoor lighting, street furniture, new paving, and ground surface materials;
4. Points of vehicular and pedestrian access/egress;
5. All utilities, easements, or service facilities, insofar as they relate to the project; and
6. Proposed site grading, including existing and proposed grades at property lines.
7. The topographic plan shall have 3'-0" contours.

d) Architectural plans, sections, and elevations at a scale of 1/4" = 1' or other appropriate scale, with all spaces properly labeled and all dimensions clearly shown;

e) Site perspectives from three points of view of the proposed development from public locations outside of the McLean District;

f) Summary of building statistics indicating the number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (affordable, handicapped, etc.), the maximum number of bedrooms, floor area, square footage of each dwelling unit;

g) A proposed development schedule showing the beginning of construction, the rate of construction and development, including phases, if applicable, and the estimated date of completion;

h) Detailed plans for landscaping and landscape buffers and the corresponding maintenance plans;

i) Parking plan;

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

k) The proposed method of storm water removal accompanied by calculations for a 20-year and 100-year storm event; and

l) A construction management program including plans for construction vehicle access routes, on-site construction worker parking, designation of material storage methods, and locations, and designation of construction hours;

m) Plans indicating specimen trees and other existing vegetation to be preserved;

n) A traffic circulation plan;

o) An erosion and sedimentation mitigation plan;

p) Submit maintenance plan that provides for the private maintenance and management of the development including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management

facilities and common utilities, snow storage and removal, trash removal and recycling, and non-toxic pest control measures. –

q) A written statement of the manner in which the proposal meets each of the Design and Site Plan Review objectives contained within this Section 6B.6;

r) For Subdistrict A, the following are also required:

1. All condominium deeds, trust, or other documents that incorporate the applicable age restriction and comply with all federal, state, and local laws. Covenants and deed restrictions shall provide that the townhouse dwelling units shall be occupied by persons 55 years of age and older except for a guest visiting for short duration not to exceed 30 days in a calendar year or 30 days in any 12-month period.

2. The manner in which the Management Organization or Homeowners Association shall certify to the Town when any unit is sold or rented and that the provisions of this Section 6B will be met.

s) The Planning Board may also require materials and specifications for the proposed buildings;

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

The Planning Board may require additional relevant information necessary in their deliberations relative to the application for the Design and Site Plan Review.

6B.6.3 Procedures

Applicants for Design and Site Plan Review under this Section 6B shall pay a review fee in an amount to be determined by the Planning Board to cover the reasonable costs for the employment of any independent consultants to assist in the review of the application. Consultants shall be qualified professionals in the relevant fields of expertise as determined by the Planning Board.

Applications shall follow the procedures below and as specified in Section 7.3.3 of this Zoning By-Law. 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 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 under Section 6B.6 shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the purposes and guidelines in this Section 6B and all other requirements of this Zoning By-Law. The Planning Board may impose such reasonable

conditions as it shall deem appropriate to assure the continuing consistency of the development with the purposes and guidelines of Section 6B.

Applications may be denied when:

a) Applications are incomplete; or

b) Proposed developments are inconsistent with the standards and criteria set forth in Section 6B, which shall be denied in writing and shall set forth the reasons for denial.

Final decisions from the Planning Board on applications for Design and Site Plan Review shall be in writing and set forth the reasons therefor.

Proposed amendments to approvals under this Section 6B shall follow the procedures set forth for initial applications.

Notwithstanding any provisions of this Section 6B to the contrary, Design and Site Plan Review shall not be required for alterations or repairs to an existing building in a previously approved MDZ3OD development project that do not increase the height, bulk, or footprint thereof, that are not being performed to provide for its use for a substantially different purpose, and that do not violate the conditions contained within any prior Design and Site Plan Approval applicable to such building.

6B.6.4 Additional Conditions

In granting Design and Site Plan Approval under this Section 6B, the Planning Board may impose such other reasonable conditions or safeguards that it determines to be in compliance with the applicable criteria set forth in this Section 6B.6 including, but not limited to the following conditions:

a) Deed Restrictions

All townhouse dwelling units in Subdistrict A shall be subject to an age-restriction described in a deed/deed rider, restrictive covenant, the deed of the trust, master deed or articles of incorporation, or other document approved by the Planning Board that shall be recorded in the chain of title with the Registry of Deeds or Land Court.

The age-restriction shall limit the townhouse dwelling units to occupancy by seniors, age 55 or older; or their spouses of any age; provide for reasonable time-limit guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in the townhouse dwelling unit together with a senior resident, if the Planning Board so approves and specifies in its Design and Site Plan Approval.

Except in the event of the death of the Age-Qualifying Occupant of a townhouse dwelling unit, or foreclosure or other involuntary transfer of a townhouse dwelling unit, a two-year exemption shall be allowed to facilitate the transfer of townhouse dwelling units to another eligible household.

Deed restrictions, including age-restrictions, shall run with the land in perpetuity and shall be enforceable by an association of owners or any owner(s) of dwelling units in the development and by the Town of Belmont.

The continuing observance and enforcement of the age-restriction described herein shall be a condition of compliance with the MDZ3OD. Exceptions to this requirement shall be allowed only in the case where eligible residents are deceased, there are no surviving eligible residents, and the units are owned and occupied by the deceased eligible resident's surviving spouse.

b) Local Preference

The Planning Board shall require that Belmont residents (as defined in Section 6.10.2 of the Zoning By-Law) be given preference in the purchase or rental of dwelling units within the MDZ3OD. Such preference shall be for 30% of the dwelling units in the development and shall be for at least one year from the issuance of the first Certificate of Occupancy for any residential building or portion thereof.

c) Maintenance of the Development

The Applicant shall provide for the private maintenance and management of the development (including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow storage and removal, trash removal and recycling, and non-toxic pest control measures).

6B.6.5 Waiver

The Planning Board may waive any provision or provisions of this Section 6B (and including without limitation, setbacks, height restrictions, numbers of units, and parking spaces) if the Planning Board determines that granting such waiver will result in an overall improved, feasible design in accordance with the purposes and design guidelines provided in this Section 6B.

6B.7 Coordination with Other Provisions of the Zoning By-Law

This Section 6B together with the rest of this Zoning By-Law constitutes the zoning regulations for the MDZ3OD. Where conflicts exist between this Section 6B ovember and the rest of this Zoning By-Law, the provisions of this Section 6B shall govern. Except where specifically indicated in this Section 6B, the provisions of this Section 6B supersede Sections 3 (Use Regulations), 4 (Intensity Regulations) and 5.1.1 (Parking – Number of Spaces), 5.1.2 (Parking – Schedule of Requirements), 5.1.3 a) (Parking and Loading Area Location and Design, Location), 5.3.3 c) (Landscaping for Parking Area Plantings) 6.6.3 b) (Floodplain District, Use Regulations) and 7.3 (Design and Site Plan Review).

6B.8 Coordination with Memorandum of Understanding

This Section 6B does not alter any legal obligation on behalf of the Town of Belmont, McLean Hospital, and the potential developer, of the Memorandum of Understanding signed

by the Select Board (behalf of the Town of Belmont and formerly known as the Board of Selectmen) and McLean Hospital on November 1999.

6B.9 Validity

The invalidity of any section or provision of this Section 6B shall not invalidate any other section or provision hereof.