

6H. McLean District Zone 3 Overlay District (Draft – January 10, 2020)

6H.1 Purpose

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

1. Provide added diversity of housing types attractive to a variety of households and income eligibility.
2. Provide for the development of affordable housing for income eligible households and seniors.
3. Promote low impact, energy efficient development.
4. Ensure high quality site planning, architecture and landscape design that is consistent with the distinct visual character and identity of the McLean District.
5. Establish development standards that ensures context-sensitive design and creative site planning in the reuse of existing buildings and construction of new buildings.
6. Provide diversified housing stock in close proximity to Waverley Square, including affordable housing that meets the needs of the Town's population and promotes income and household diversity.
7. Provide for the demonstrated housing needs of the Town by making provisions for housing to be occupied by households and seniors who otherwise would not have such housing opportunities within the Town; and
8. Provide alternative forms housing choices for seniors that reduces burdens of property maintenance and which reduces demands on municipal services.

6H.2 Siting and Boundaries of McLean District Zone 3 Overlay District

The siting and boundaries of the McLean District Zone 3 Overlay District (the "MDZ3OD") are shown on the Zoning Map on file with the Town Clerk and include the underlying McLean District Zone 3, the Senior Living Subdistrict. **Need to create to zoning map.**

The MDZ3OD shall consist of two (2) Subdistricts: A and B. Subdistrict A shall permit the development of Age-Restricted Senior Housing and Subdistrict B shall permit the development of non-age restricted multi-family housing.

6H.3 Applicability and Authority

The MDZ3OD shall be considered as overlaying any and all other existing zoning applicable to the McLean District and its Senior Living Subdistrict. The MDZ3OD provides for additional development options 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 6H.5, Performance and Design Standards. The Planning Board may waive some or all of the dimensional and

parking requirements of this Section if, in its determination, such waiver will result in improved design.

Within the MDZ3OD, all requirements of the underlying district shall remain in effect, except where these regulations provide an alternative to such requirements. Land within the MDZ3OD may be used either for uses as set forth in this Section or a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MDZ3OD conflict with the requirements of the underlying district, the requirements of the MDZ3OD shall control. **Should a sentence be added that the underlying zoning disappears when a Certificate of Occupancy is issued for the new development?**

6H.4 Use Regulations

The following is permitted in the MDZ3OD Sub-Districts:

1. Subdistrict A – Age-Restricted Townhouses

Permissible housing types shall be newly constructed attached or detached townhouse dwelling units with **a mix of one and two bedroom units**. Dwelling units shall be contained in groupings of one, two or three dwelling units per building structure; provided that the number of three dwelling unit buildings shall be limited to one such building for every 10 dwelling units.

Dwelling units in Subdistrict A shall be developed as condominiums and each dwelling unit shall be separately owned and occupied; provided that the owner of one dwelling unit may own one or more dwelling units.

The maximum number of dwelling units that may be developed within Subdistrict A shall be 40 dwelling units, provided however that up to two (2) additional dwelling units may be created within existing retained and rehabilitated historic structures (See subsection 4).

At least 15% of the dwelling units in Subdistrict A shall be made for sale as low- or moderate-income housing dwelling units at or below 80% of area median income (AMI) (“affordable units”) as defined in M.G.L. c. 40B (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.

Occupancy of dwelling units shall be limited to at least one person who is fifty-five years of age or older and may include any one of the following:

- a. A spouse, under 55 years of age, of an Occupant may reside in the Occupant’s unit;
- b. A spouse who survives the Occupant;
- c. A spouse where the Occupant has moved out of the unit and into a long-term care facility;

- d. A child, brother, or sister of an Occupant or spouse who has a mental or physical disability and is dependent upon said Occupant or spouse for daily care; or
- e. A paid caregiver providing medical or health care to an Occupant or spouse.

2. Subdistrict B – Multi-Family Housing

Dwelling units in Subdistrict B shall be developed as multi-family rental housing units

Permissible housing types in Subdistrict B shall be one or more newly constructed multi-family apartment buildings with associated underground and/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 who may have a common right in halls, stairways, parking and common area amenities.

A maximum number of units that may be developed within Subdistrict B shall be 110 dwelling units, with a mix of studios, one, two and three bedroom dwelling units.

At least 25% of the multi-family rental housing units shall be made available as low or moderate income housing units (“affordable units”) as defined in M.G.L. c. 40B (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. Of the 25%, 80% shall be made available to households at or below 80% of area median income (AMI) and 20% of the dwelling units shall be rented to households at or below 50% of area medium income (AMI).

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) are allowed as an accessory uses, provided that it is only used by residents of Subdistrict B and their visitors. **What about letting the age-restricted townhouse occupants use the pool (or other amenity) for a fee?**

3. Existing Zoning District

The MDZ3OD does not in any manner remove or alter the zoning rights permitted by the underlying, existing zoning district.

Additionally, the Access Limitations contained within Section 6A.3.3 shall apply to the MDZ3OD as though the MDZ3OD was the Senior Living Subdistrict.

4. Reuse of Existing Structures

A bonus density of two (2) dwelling units shall be granted based on rehabilitation and reuse of the existing building known as Chapel Building. These units may be constructed within either Subdistrict or both, provided that the total number of additional units does not exceed two (2). The rehabilitation and reuse of the Chapel shall be consistent with the United States Secretary of the Interior’s Standards and Guidelines for Rehabilitation.

6H.5 Performance and Design Standards (Need a large scale map with elevations)

All development projects proposed within the MDZ3OD require Design and Site Plan Review by the Planning Board to ensure conformance with the following Performance and Design standards:

1 Performance Standards

Dimensional Regulations

Subdistricts	Setbacks			Height	
	Front	Side	Rear	Feet	Stories
A	10	10	10	36	2.5
B	10	10	10	58	5

Setbacks distances only apply to the Zone 3 lot/zone perimeter and shall not apply between any internal lot or Subdistrict lines.

Minimum setback from buildings to the exterior Subdistrict boundary line of 10 feet. **No fences or walls higher than ten (10) feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas, may be placed within such setback.**

Height shall be defined as contained in McLean District – language to be added.

Open Space, Lot Coverage, Impervious Surface Coverage – should these be addressed?

Along the southern boundary of Sub-District A and the western boundary of Sub-Districts A and B, the following shall apply:

- 1. The area within 20 feet of such portions of such boundaries shall be maintained in an undeveloped and natural condition, except for the landscaping described below.**
- 2. If structures are located within 20 feet of such boundaries, there shall be landscape buffering, including evergreen trees of substantial size (12 to 15 feet in height) upon planting, along both sides of such boundaries (to the extent permitted by the Town, where on Town property), which shall:**
 - a. provide a dense visual screening of such structures from view from the adjacent land in the Open Space Subdistrict;**
 - b. be designed in a manner consistent as feasible with the natural appearance of the area, and**

- c. be designed in a manner consistent as feasible with the continued life and health of the existing trees. Such landscape buffering may include the removal of invasive plants and their replacement with other native species.

A 10' wide landscape buffer shall be installed between Olmsted Drive and the townhouses located in Zone 2 of the McLean District.

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

2. Parking Requirements

1. Subdistrict A: No more than 2 parking spaces per dwelling unit for a maximum of 80 parking spaces – to be provided as mix of surface and garage parking spaces, plus no more than 12 guest/visitor spaces.
2. Subdistrict B: No less than 1.3 Parking spaces per dwelling unit for a maximum of 146 parking spaces to be provided as mix of surface and garage parking spaces.
3. Reduction of Parking

The Planning Board may reduce the on-site parking requirements for all uses in a MDZ3OD development project, based upon a consideration of:

- a. Availability of shared parking on another property within 300 feet; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. The Planning Board may require a written shared parking agreement to be submitted as part of the Design and Site Plan Review application. The agreement shall address issues such as the times of use, maintenance, striping, and snow plowing of the shared parking area.
- b. Uses within ½ mile of public transportation may be entitled to a 10% reduction in required parking.
- c. Other factors supporting the reduction in the number of required parking spaces such as, but not limited to, staggered hours or other opportunities for shared parking among different uses.

4. Bicycle Parking

At least one bicycle parking or bike storage space shall be provided per dwelling unit. At least 50% of the bicycle parking shall be covered. The spacing of all bike parking shall be 30" on center minimum.

Age-Restricted Housing Developments shall be exempt from the residential bicycle parking requirement, and instead shall provide one bicycle parking space per five vehicular parking spaces.

3. Design Standards

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, 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. Determination that there will be no significant hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;
- e. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;
- f. Appropriateness of the proposed methods of disposal of refuse and other wastes resulting from the uses permitted on the site, including size, location, and landscape screening of dumpsters or other trash receptacles; and
- g. Adequacy of landscaping/site improvements.

2. Building Design

The detailed design standards below are intended to promote high quality sustainable development. To provide additional guidance, the Planning Board may promulgate more detailed design guidelines.

a. Scale

The size and detailing of buildings shall be designed to reduce the visual perception of bulk and mass.

The façade should have both horizontal and vertical elements to break down the scale and enhance the appearance.

b. External Materials and Appearance

Predominant wall finishes shall be or have the appearance of wood, brick, or stone.

c. Architectural Details

Architectural features shall be compatible with other structures in the McLean District. Distinctive features, finishes, and construction techniques shall be utilized in the design of new buildings or additions.

d. Energy Efficiency Standards

The developments in both Subdistricts shall meet the criteria established by LEED Gold, Living Building Challenge – need more information on this.

e. Interior Layout for Age-Restricted Housing Developments

Dwelling units in Age-Restricted Housing Developments shall contain no more than two bedrooms (what about 3 bedrooms?). Any separate room in any unit which is not a living room or 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 construction or other design facilitate such use or alteration.

Subdistrict A - Design Requirements for Dwelling Units – integrate into by-law

The townhouse units shall meet the following requirements:

- a) The townhouse units shall not exceed 36' in height
- b) No townhouse unit shall have more than 3 bedrooms and the average number of bedrooms for all of the Subdistrict A units shall not exceed 2.6.
- c) Each new townhouse unit shall contain a 1 or 2 car garage. Garaged parking for the rehabilitated units is permissible but explicitly not required.
- d) No townhouse unit shall exceed 3,500 square feet of conditioned living area, inclusive of finished basement area or basement areas to be finished. The square footage of unfinished basement, garage, attic areas and exterior non-enclosed porch or deck areas shall be excluded from this calculation.

Subdistrict B Design requirements includes: - integrate into by-law

- a) The Subdistrict shall include adequate parking spaces for residents of Subdistrict B and their visitors.
- b) Parking spaces may be located in a parking garage(s) located beneath the building(s); however, secondary parking spaces for visitors, deliveries and guests may be located outside the building.
- c) Parking spaces shall only be used by residents of Subdistrict B and their visitors.
- d) Storage for bicycles of residents of Subdistrict B is allowed and is encouraged.
- e) Dwelling units may have balconies and/or patios attached to the unit.
- f) Maximum building height of 5 stories and 58'.

3. Vehicle and Pedestrian Features

Buildings and site plans should be designed to enhance the pedestrian environment and foster the creation of a walkable built environment along South Pleasant Street. The following vehicle and pedestrian guidelines apply to MDZ3OD development projects:

- a. The provision of parking shall take into consideration the extent to which the design maximizes pedestrian flow within the development and maximizes the efficient use of existing and proposed parking facilities.
- b. To the extent feasible and where possible, surface parking lots shall be concealed behind buildings and not visible from Olmsted Drive.
- c. Underground parking is strongly encouraged where feasible.
- d. Parking Structures.

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

- i. Compatibility with the proposed building(s) and surrounding neighborhood with regard to architecture, size, scale, and intensity and mass;
- ii. Promote a pedestrian-friendly presence;
- iii. Located to the rear or side of the primary structure such that the primary street frontage holds the principal building which then screens to the extent possible the parking structure;
- iv. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;
- v. All ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure;
- vi. Exterior landscaping shall be provided to screen the structure and mechanical equipment;
- vii. Avoid designing entire sides or substantial lengths of the parking structure walls to be open with no fenestration and avoid long runs of openings that do not conform to or replicate window patterns consistent with the primary building;
- viii. Architectural articulation shall be on all sides of the parking structure and of materials compatible with the primary building; and
- ix. Pedestrian warning devices should be located at all entrances and exits that intersect pedestrian walkways.

4. Lighting

The lighting requirements of §5.2 of this Zoning By-Law shall apply to buildings within a MDZ3OD development project.

5. Landscaping and Off-Site Improvements

The Applicant may be required to install street furniture (benches, planters, trash receptacles, lamps, and signs) and landscaping 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.

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

- i. All site open space (yards, parking lots, setbacks) should be planned carefully, with appropriate plantings or landscaping. Open space shall be appropriately usable and open and may consist of landscaped gardens, plazas, sitting areas, sidewalks or similar features.
- ii. Open spaces may be utilized to break up a block of buildings in order to provide visual relief.
- iii. Street furniture shall be provided for public use.
- iv. Street furniture should be made of solid wood, metal, or recycled plastic lumber to ease maintenance.
- v. Trash receptacles shall be provided at all gathering places and shall be properly maintained.
- vi. Climate requirements, growth potential, and adaptability to the urban environment shall be considered when selecting plant types and species.
- vii. Landscaping shall be installed to screen dumpsters, transformers, air conditioning equipment, and other similar building equipment.

6H.6 Affordability Requirements How much of this must be included – can this section be reduced?

1. Subdistrict A: 15% of the dwelling units shall be affordable to households with 80% Area Median Income (AMI).
2. Subdistrict B: 25% of the dwelling units shall be affordable to households with 80% AMI.

Through the Local Initiative Program, 100% of the units will be considered affordable as relates to the Subsidized Housing Inventory (SHI).

3. General:

- a. Design. Affordable dwelling units must be comparable in initial construction quality and exterior design to the unrestricted dwelling units. However, nothing in this Section is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law. The affordable dwelling units must have access to all on-site amenities. The total number of bedrooms in the affordable dwelling units shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the development.
- b. Timing. All affordable dwelling 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 units shall be consistent across all phases.

c. Mix of housing types

4. Monthly Housing Payment:

- a. The monthly rent payment for an affordable rental dwelling unit, including utilities and parking, shall not exceed thirty percent (30%) 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;
- b. For an affordable homeownership dwelling unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the dwelling unit plus one; and
- c. Affordable dwelling units required to be offered for rent or sale shall be rented or sold to and occupied only by eligible households.

5. Affordable Housing Restriction.

Each affordable dwelling 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 By-Law. All affordable housing restrictions must include, at minimum, the following:

- a. Description of the development, including whether the affordable dwelling unit will be rented or owner-occupied.
- b. A description of the affordable dwelling unit by address and number of bedrooms.
- c. The term of the affordable housing restriction shall be the longest period customarily allowed by law but shall be no less than thirty (30) years.

- 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 dwelling 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 eligible household may reside in an affordable dwelling unit and that notice of any lease or sublease of any affordable dwelling unit to another 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 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 eligible household.
- k. Provision that the restriction on affordable rental 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 an income eligible household.
- l. Provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the provisions of this By-Law and containing such other information as may be reasonably requested in order to ensure affordability.
- m. A requirement that residents in affordable 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 restrictions.

6. Administration

The administering agency shall ensure the following:

- a. Prices of affordable homeownership 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 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 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.

6H.7 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:

1. Development plans bearing the seal of a Massachusetts registered professional (architect, landscape architect, civil engineer, or similar professional as appropriate);
2. Narrative description of the proposed work affecting the exterior of the building or structure, including a description of the materials to be used;
3. Site plans and specifications showing total square footage and dimensions of all buildings and site improvements, including:
 - a. New buildings, additions, adjacent structures;
 - b. Streets, sidewalks and crosswalks;
 - c. Existing and proposed open spaces, including, existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials;
 - d. Points of vehicular and pedestrian access/egress;
 - e. All utilities, easements or service facilities, insofar as they relate to the project; and
 - f. Proposed site grading, including existing and proposed grades at property lines. The topographic plan shall have 3'-0" contours (or 5'-0" contours depending upon the advice of Karl).

4. A certified plot plan less than 6 months old;
5. Architectural Layout Plans at a scale of $1/8" = 1'$ or appropriate scale. All spaces within the proposal must be properly labeled and all dimensions must be clearly shown;
6. Site perspective, sections, elevations $1/8" = 1'$;
7. A site model at X scale.
8. 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;
9. 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;
10. Detailed plans for landscaping;
11. Parking plan;
12. Plan for lighting, including the type of fixtures, and the off-site overspill (foot candles) of the lighting;
13. The proposed method of storm water removal accompanied by calculations for a 20-year storm event; and
14. For Age-Restricted Housing Developments, the following are also required:
 - a. 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 dwelling units shall be occupied by persons 55 years of age and older except for guest visiting for short duration not to exceed thirty days in a calendar year.
 - b. 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 6.H will be met.

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

- i. Materials for the proposed buildings;
- ii. An estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public service needs; and

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

6H.8 Procedures

1. Design and Site Plan Review

Applicants for Design and Site Plan Review under this Section 6H 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 thirty days of its submission whether the application is complete or, if not, what items are missing. If the Planning Board fails to so notify the Applicant within such time, the application shall be deemed complete; provided that nothing herein shall be interpreted to limit the ability of the Planning Board to require additional information. The time for holding a public hearing shall not commence until the Planning Board has received a complete application.

An application for Design and Site Plan Review hereunder shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the objectives in this Section and all other requirements of this Zoning By-Law. The Planning Board may impose such reasonable conditions as it shall deem appropriate to assure the continuing consistency of the development project with the purposes of Section 6H.

Applications may be denied when:

- a) Applications are incomplete; or
- b) Proposed developments inconsistent with the standards and criteria set forth in Section 6H shall be denied in writing and shall set forth the reasons for denial.

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

Notwithstanding any provisions of this Section 6H 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.

2. Additional Conditions

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

a) Deed Restrictions

All dwellings in the age-restricted housing development 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 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 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 qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two-year exemption shall be allowed to facilitate the transfer of 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.

Furthermore, 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, and there is no surviving eligible residents, and the units are owned and occupied by the deceased eligible residents' surviving spouse.

b) Local Preference

The Planning Board shall require that Belmont residents be given preference in the purchase or rental of dwelling units within the MDZ3OD. Such preference shall be for thirty percent (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.

6H.9 Coordination with Other Provisions of By-Law

This Section 6H together with the rest of this By-Law constitutes the zoning regulations for the MDZ3OD. Where conflicts exist between this Section 6H and the rest of this By-Law, the provisions of this Section shall govern.