6H. McLean District Zone 3 Overlay District

(Draft –May 1, 2020 - Clean

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 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.
2. Provide added diversity of housing types attractive to a variety of households and income eligibility.
3. Provide for the development of affordable housing for income eligible households and seniors.
4. Promote low-impact, energy-efficient development.
5. 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.
6. Establish development standards that ensure context-sensitive design and creative site planning in the construction of new buildings and reuse of existing buildings.

6H.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 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.

6H.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 6H.8.

Within the MDZ3OD, all requirements of the underlying district shall remain in effect, except where this Section 6H 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 and this Section H shall not apply; and if the provisions of the MDZ3OD conflict with the requirements of the underlying district, the requirements of the MDZ3OD shall control.

6H.4 Use Regulations

The following is permitted in the MDZ3OD Subdistricts:

6H.4.1 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 6H.4.4.

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 a homeownership condominium. Individual units may be rented for occupancy for terms of not less than 12 months and not more than ten percent (10%) of the Age-Restricted Townhouses may be rented at any one time.

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 has a mental or physical disability) and is dependent upon said Age-Qualified Occupant or spouse for daily care; and

6) A paid caregiver providing medical or health care to an occupant who is permitted under this Section 6H.4.1(d).

6H.4.2 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 6H.4.4.

b) 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.

c) 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) are allowed as accessory uses, provided that such facilities are not made available to people other than residents of Subdistricts A and B and their visitors.

6H.4.3 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 and the Research and Development Subdistrict shall be via Pleasant Street, except in case of emergency access. Shuttle bus access???

6H.4.4 Reuse of Existing Structures

The existing historic Chapel Building shall be retained and preserved. 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.5.3.1 (Design Standards, General Guidelines) These units may be constructed within either Subdistrict or both, provided that the total number of additional units does not exceed two.

6H.5 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 6H.8, to ensure conformance with the following Performance and Design Standards (unless waived as provided herein):

6H.5.1 Subdistrict A. The Performance and Design Standards applicable to Subdistrict A are:

a) Bedrooms. No townhouse 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 unit shall exceed 3,600 square feet of living area, inclusive of (finished and conditioned) basement area (whether or not finished) but exclusive of unfinished garage, unfinished attic area and exterior porch or deck areas. (No townhouse 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 6H.4.4.

c) Setbacks, Height.

Setbacks			Height	
Front	**Side**	**Rear**	**Feet**	**Stories**
10	10	10	36	2.5

For the purposes of this Section 6H.5.1, each dwelling unit shall be considered a separate building for the purpose of determining height hereunder. No flat or shed roofs shall be allowed on buildings or building elements of more than one story.

"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. Each dwelling unit shall be considered a separate building for the purpose of determining height hereunder. 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. Fences shall be no higher than six feet.

e) Minimum open space of 40% of lot area. Maximum lot coverage of 30% of lot area. Maximum impervious surface coverage of 60% of lot area. For the purposes of this Section 6H, "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.

f) Parking requirements. No more than 2 parking spaces per dwelling unit, consisting of a mix of surface and garage parking spaces, plus no more guest/visitor spaces than .3 times the number of dwelling units (rounding up).

Garaged parking for the rehabilitated units in Section 6H.4.4 is permissible but not required.

Parking spaces shall only be used by residents of Subdistrict A, their visitors and guests.

6H.5.2 Subdistrict B. The Performance and Design Standards applicable to Subdistrict B are:

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 6H.1.

b) [SQUARE FOOTAGE LIMITATIONS?] A total gross floor area of 250,000 square feet is allowed based on 110 dwelling units of new construction, excluding the dwelling units allowed under Section 6H.4.4.

c) Setbacks, height.

Setbacks			Height	
Front	**Side**	**Rear**	**Feet**	**Stories**
10	10	10	58	5

For the purposes of determining the height of a building in Subdistrict B, if and only if the lowest floor of the building is used for parking, then an alternative height limit shall be applied: the vertical distance from the average finished grade adjoining the building on the side that has the highest average grade to the highest point of the roof shall not exceed 58 feet and the vertical distance from the average finished grade to the highest point of the roof shall not exceed 68 feet. For buildings using this alternative height limit, a floor having a ceiling elevation at or below the average finished grade adjoining the building on the side that has the highest average finished grade shall not be considered a story.

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

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

f) Parking requirements. No more than 1.3 parking spaces per dwelling unit (rounding up) 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.

g) Bicycle Parking. Bicycle parking or bike storage spaces shall be provided at the ratio of at least ½ space per dwelling unit (rounding up). At least 80% of the minimum required bicycle parking spaces shall be covered (rounding up). The spacing of all bike parking shall be 30” on center minimum.

6H.6 Affordability Requirements

The applicant for a Design and Site Plan Approval under the MDZ3OD By-Law 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”).

1. Number of Affordable Housing Units

Subdistrict A:

a. Fifteen percent (15%) of the dwelling units shall be affordable to income eligible households at or below Eighty percent (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.

Subdistrict B:

a. Twenty percent (20%) of the dwelling units shall be affordable to income eligible households at or below eighty percent (80%) of AMI, and

b. Five percent (5%) of the dwelling units shall be rented to income eligible households at or below Fifty percent (50%) of AMI.

c. 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.

2. 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 is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law.

b. Mix of housing types. The total number of bedrooms in the Affordable Housing Units shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Subdistrict.

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.

3. 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 thirty percent (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 dwelling unit plus one; and

b. In Subdistrict B. The monthly rent payment for an Affordable rental Housing Unit, including utilities and parking, shall not exceed thirty percent (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.

4. 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 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 (applicable under Section 6H.6.1) 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 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 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 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 liens, and encumbrances.

5. 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 Design Guidelines

6H.7.1 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 and the Open Space Subdistrict, Lone Tree Hill, Belmont Conservation Land, 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; and

f. Adequacy of landscaping/site improvements.

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

6H.7.2 Building Design

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

a. Scale
The size and detailing of buildings shall 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 shall be compatible with the existing historic architecture and other structures in the McLean District.

c. Energy Efficiency

Heating and Cooling: heat pumps will be used for heating and cooling of all dwelling units within both Subdistricts.

Water Heating: while a heat pump is the preferred method to heat water, there may not be enough space to accommodate it. In this case, some form of electric water heater shall be used to heat water for the dwelling units within both Subdistricts.

Cooking: Dwelling units within Subdistrict B will have electric range/stoves. Dwelling units within Subdistrict A will have electric induction stoves with the option of gas should the buyer prefer.

Electric Vehicles: one EV-ready parking space per dwelling unit within both Subdistricts.

Solar: The buildings within both Subdistricts will be solar-ready as much as reasonably possible given the constraints of HVAC equipment and gabled roofs.

6H7.3 Pedestrian, Bicycle, and Vehicle Features

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

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

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

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

d. The provision of parking shall 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 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. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;

iii. Ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure;

iv. Exterior landscaping shall be provided to screen the structure and mechanical equipment from within each Subdistrict and from Zone 2, the McLean campus and Lone Tree Hill, Belmont Conservation Land;

v. Entire sides or substantial lengths of the parking structure walls shall not be open without suitable fenestration. Design will attempt to, where reasonably feasible, to avoid long runs of openings that do not conform to or replicate window patterns consistent with the primary building; and

vi. Architectural articulation shall be on all sides of the parking structure and of materials compatible with the primary building.

6H7.4 Landscaping and Site Improvements

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

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

ii. All open space (yards, parking lots, setbacks) shall be planned 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.

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

iv. Street furniture, including benches and shuttle bus shelters, shall be provided for pedestrian use.

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

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

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

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

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 shall be maintained in an undeveloped and natural condition free of invasive 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;

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

6H7.5 Roadway Maintenance

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 removal, trash removal and recycling);

6H7.6 Lighting

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

6H.8 Design and Site Plan Review

6H.8.1 Objectives. The objectives of Design and Site Plan Review under this Section 6H.8 shall be to:

a) evaluate how well the proposed design meets the purposes of Section 6H.1 and guidelines of Section 6H.7 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 the appropriateness of the proposed design and materials of proposed buildings;

e) 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;

f) 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;

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

h) 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;

i) 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;

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

k) obtain appropriate evidence of compliance of the proposal with the applicable requirements of this By-Law other than this Section 6H.

6H.8.2 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:

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.

4. Architectural Layout Plans, sections and elevations at a scale of 1/8" = 1' or other appropriate scale, with all spaces properly labeled and all dimensions clearly shown;

5. Site perspective from three points of view; of the proposed development from public locations outside of the McLean District;

6. 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;

7. 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;

8. Detailed plans for landscaping and landscape buffers;

9. Parking plan;

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

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

12. 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;

13. Plans indicating specimen trees and other existing vegetation to be preserved;
14. A traffic circulation plan;

15. An erosion and sedimentation mitigation plan;

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

17. Evidence that a crane, balloon, or other temporary representation of the height of each proposed structure has been brought to the site and kept in place for not less than 72 hours, together with photographs of such representation taken from a sufficient number of locations suitable for evaluating the visual impacts of each proposed structure in accordance with the objectives of this By-Law.

18. For Subdistrict A, 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 a guest visiting for short duration not to exceed thirty days in a calendar year or thirty days in any twelve-month period.

    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.

19. The Planning Board may also require materials and specifications for the proposed buildings;

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

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

6H.8.3 Procedures

6H.8.3.1 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 under Section 6H.4 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 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 and guidelines 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, which 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.

6H.8.4 Additional Conditions

In granting Design and Site Plan Approval under this Section, 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 including, but not limited to the following conditions:

a) Deed Restrictions

All dwellings 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 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.

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 (as defined in Section 6.10.2) 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.8.5 Waiver

The Planning Board may waive any provision or provisions of this Section (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 6H.

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. Except where specifically indicated in this

Section, the provisions of this Section 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).

6H.10 Validity

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