



**TOWN OF BELMONT**  
OFFICE OF THE BOARD OF SELECTMEN  
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**BOARD OF SELECTMEN**

ADAM DASH, Chair  
MARK A. PAOLILLO, Vice Chair  
THOMAS CAPUTO, Selectman

**TOWN ADMINISTRATOR**

PATRICE GARVIN

October 24, 2018

Dear Town Meeting Members:

Enclosed please find the Warrant for the **Special Town Meeting** scheduled for 7:00 p.m. on **Tuesday, November 13, 2018** at the Belmont High School Auditorium.

Should the business of the Special Town Meeting not conclude on November 13<sup>th</sup>, the meeting will be continued to 7:00 p.m. on the following dates, as required:

- November 14<sup>th</sup> at the Belmont High School Auditorium
- November 15<sup>th</sup> at the Belmont High School Auditorium

As you will see from the attached material, the Special Town Meeting Warrant includes eight (8) articles.

Please be reminded that the Warrant and any additional information can be found in the Town Meeting section of the Town Clerk's web page at [www.Belmont-ma.gov](http://www.Belmont-ma.gov).

The customary Warrant Discussion Night, co-sponsored by the League of Women Voters and the Warrant Committee, is scheduled for Tuesday, October 30<sup>th</sup>, 7:30 PM at the Beech Street Center.

We look forward to a productive Special Town Meeting, and thank you for your continued involvement and participation in our Town's legislative process.

Sincerely,

Adam Dash, Chair  
Mark A. Paolillo, Vice Chair  
Thomas Caputo, Selectman

**You are invited to attend**  
**Warrant Briefing**  
**Tuesday, October 30<sup>th</sup>, 2018**  
**at 7:30 PM**

**Beech Street Center**  
**266 Beech Street**

**Opportunity to ask questions about**  
**Warrant Articles**  
**prior to**  
**Special Town Meeting**  
**Tuesday, November 13<sup>th</sup>**

**Town Officials and Department Heads**  
**will be present to provide information**

**Roy Epstein**  
**Chair of the Warrant Committee will preside**

**Cosponsored by:**

**the Warrant Committee**

**and the**



**Belmont League of Women Voters®**  
**Education Fund**



**TOWN OF BELMONT  
WARRANT FOR 2018 SPECIAL TOWN MEETING  
November 13, 2018  
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to meet at the Belmont High School Auditorium on **TUESDAY NOVEMBER 13, 2018, at 7:00 P.M.**, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles:

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**ARTICLE 1:**

**REPORTS**

To hear the report of the Selectmen and other Town Officers, any Committee heretofore appointed and to act thereon.

*This article allows the Board of Selectmen and other Town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow Town officials and committees to report at the call of the Moderator.*

**Majority vote required for passage.**

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**ARTICLE 2:**

**APPROPRIATION: BELMONT HIGH SCHOOL CONSTRUCTION PROJECT**

To see if the Town will vote to appropriate, borrow or transfer from available funds, the amount of two hundred and ninety five million dollars, to be expended under the direction of the Belmont High School Building Committee for designing, demolishing, renovating, originally equipping, and furnishing the current Belmont High School, located at 221 Concord Avenue in Belmont, relocating and reconstructing the playing fields, and reconstructing the pool and field house, to accommodate grades seven (7) through twelve (12), including constructing an addition, and all costs incidental or related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant

program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty and sixty-six one hundredths percent (40.66%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

*This article is to appropriate the funds needed for the Belmont High School Building project. This will cover design, renovation, demolition, additions, furnishings and equipment and all associated costs to construct a school to accommodate grades seven (7) through twelve (12). This appropriation will also cover the costs of relocating and reconstruction of the playing fields, and renovating the existing pool and field house along with all incidental costs. The article also continues to authorize control of the project and expenditures under the authority the Belmont High School Building Committee.*

Submitted by the Board of Selectmen

The Board of Selectmen, School Committee, Warrant Committee, Capital Budget Committee, Permanent Building Committee and High School Building Committee will report on this Article.

**Two-thirds vote required for passage.**

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**ARTICLE 3: AMENDMENT TO ZONING BY-LAW: SOUTH PLEASANT OVERLAY DISTRICT**

To see if the Town will vote to create a new South Pleasant Street Overlay District as follows:

- A. In Section 1.4, Definitions and Abbreviations, after the definition for 'Accessory Use' insert a new definition for 'Age-Restricted Housing Development' and after the definition for 'Apartment House' insert a new definition for 'Assisted Living Facility' as follows (bolded and underlined):

**1.4 Definitions and Abbreviations**

**Accessory Use** - An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use, except for institutional (religious or educational uses) parking lots used by others, with owner's consent, not conducting business within such institution.

**Age-Restricted Housing Development** - **A facility intended for persons of age fifty-five (55) or over with the meaning of MGL c.151B, §4 and in accordance therewith one hundred percent (100%) of the dwelling units shall be owned and occupied or rented and occupied by at least one person fifty-five (55) years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, and the same are currently in effect and as the same may be amended.**

**Apartment House** - A dwelling containing no fewer than five dwelling units.



**Assisted Living Facility - Any firm or legal entity, however organized, that meets all of the following criteria:**

- (a) provides room and board;**
- (b) provides, directly by its employees or through arrangements with another organization that the entity may or may not control or own, personal care services for three or more adults who are not related by consanguinity or affinity to their care provider; and**
- (c) collects payments or third party reimbursements from or on behalf of residents of the facility to pay for the provision of assistance with the activities of daily living (dressing, washing, eating, walking, etc.), or arranges for the same.**

B. Insert a new Section 6G, 'South Pleasant Street Overlay District', after Section 6F, 'Adult Use Marijuana Establishment Zoning By-Law', as follows:

**6G. SOUTH PLEASANT STREET OVERLAY DISTRICT**

**6G.1 General**

**6G.1.1 Purpose**

In recognition of the unique location, function, and character of land uses in the South Pleasant Street commercial area, the South Pleasant Street Overlay District (SPSOD) is intended to:

- a) encourage revitalization of South Pleasant Street;
- b) promote the redevelopment of under-utilized properties in a coordinated and well-planned manner;
- c) promote mixed-use development, incorporating retail, restaurant, office, and residential uses;
- d) foster the development of a more pedestrian-oriented built environment;
- e) allow the uses and dimensional regulations of the Local Business I (LB-I) in the South Pleasant Street Local Business II (LB-II) area without altering the underlying LB-II zoning that are located wholly or partially within the SPSOD;
- f) provide for the demonstrated needs of the Town by making provisions for housing occupied by elderly persons who otherwise would not have such housing opportunities within the Town; and
- g) provide a type of housing for the elderly that reduces burdens of property maintenance and which reduces demands on municipal services.

**6G.1.2**            **Boundaries of South Pleasant Street Overlay District**

The South Pleasant Street Overlay District (SPSOD) boundaries are shown on the South Pleasant Street Overlay District Map and is generally described as the area on South Pleasant Street east of and including the White Street Extension, south of the Lone Tree Hill Conservation Land, and north of the railroad tracks, including those parcels in the underlying Local Business II Zoning District. The SPSOD boundaries shall be shown on the Town of Belmont Zoning District Map.

**6G.1.3**            **Applicability and Authority**

The SPSOD shall be considered as overlaying other existing zoning districts. The SPSOD confers 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 6G.3. 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.

The Planning Board is the Special Permit Granting Authority (SPGA) for SPSOD developments requiring a Special Permit. SPSOD development projects will also be eligible for a Special Permit to increase building height and to exceed otherwise applicable square footage limitations.

**6G.2**            **Uses**

**6G.2.1**            **Uses Permitted in the South Pleasant Street Overlay District**

The uses allowed within the Local Business I District (LB-I), as outlined in Section 3, Use Regulations, shall be allowed within a SPSOD development project.

Uses permitted by Special Permit in the LB-I as outlined in Section 3 shall also require a Special Permit in the SPSOD and shall be subject to the requirements of Sections 7.4.3 and 6G.3:

**6G.2.2**            **Additional Uses Permitted by Special Permit in the SPSOD**

a)    **Age-Restricted Housing Development.**

A development that provides independent housing for households including at least one member fifty-five (55) years of age or older, ("Occupant") and may include any one of the following:

1. A spouse, under fifty-five (55) years of age, of an occupant may reside in the occupant's unit;
2. A spouse who survives the occupant;
3. A spouse where the occupant has entered into a long-term care facility;
4. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care; or
5. A paid caregiver providing medical or health care to an occupant or spouse.

Assisted or skilled nursing care shall be prohibited.

b) Assisted Living Facility.

An Assisted Living Facility may include associated dining facilities, common rooms, activity and recreation rooms, and offices that provide for the benefit of their residents. Assisted Living Facilities may also provide, without limitation, meals served in a common dining room or delivered to rooms; housekeeping or laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting, and walking; security; exercise programs; medication reminders; and social and recreational activities.

c) Accessory Uses.

Age-Restricted Housing Developments and Assisted Living Facilities may provide convenience retail and personal services if said uses do not have any exterior signs and do not comprise more than 2,500 square feet. These accessory uses shall not render this development a Mixed-Use Residential Development under Section 6.10, Inclusionary Housing, of the Zoning By-Law, used for calculating the number of required affordable housing units.

6G.2.3 The following are expressly prohibited uses in a SPSOD development project:

- a) Commercial surface parking lot and related facilities;
- b) Banks, credit unions, and similar establishments;
- c) Drive-through establishments; or
- d) Adult entertainment establishments.

6G.2.4 Existing Zoning District

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

**6G.3 Performance and Design Standards**

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

6G.3.1 Performance Standards

Dimensional Regulations - the following dimensional regulations, as generally allowed within the LB- I District, (Section 4.2, Schedule of Dimensional Regulations) shall be allowed within a SPSOD development project.

a) Setbacks

1. Front: The maximum front setback shall be five feet for the front and street side façades.

2. Side: The minimum side setback shall be six feet.
3. Rear: The minimum rear yard setbacks shall be six feet.

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

b) Height of Structures

1. In Feet:

The maximum height of buildings is 28 feet above ambient sidewalk grade.

A building height of up to 40 feet to the highest point of the building may be allowed by Special Permit from the Planning Board, provided that all of the mechanical systems are contained within the building.

2. In Stories:

The maximum height of buildings is two stories.

A building height of up to three stories may be allowed by Special Permit from the Planning Board.

c) Floor Area Ratio (FAR)

The maximum allowed FAR shall be 1.25.

A FAR of 1.5 may be allowed by Special Permit from the Planning Board.

For Special Permits under this Section, the Planning Board shall take into account the criteria provided in Sections 4.4 and 7.4.3 and subject to Section 6G.3

6G.3.2 Parking Requirements

- a) The parking requirements for uses within the SPSOD shall be provided in accordance with Section 5.1 of this Zoning By-Law.

b) Reduction of Parking

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

1. 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.

2. Uses within ½ mile of public transportation may be entitled to a 10% reduction in required parking.
3. 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.

c) Bicycle Parking

The following requirements apply to any new developments:

1. Residential - at least one bicycle parking or storage space shall be provided per dwelling unit.
2. Business - at least two bicycle parking spaces shall be created per business establishment.

For business establishments over 10,000 square feet gross floor area (GFA), one additional bicycle parking space shall be provided for every additional 1,000 square feet GFA.

Assisted Living Facilities and 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.

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

6G.3.3 Design Standards

a) General Guidelines

The Planning Board shall consider the architectural and aesthetic compatibility of the proposed development project with the character of the Town of Belmont, taking into account appropriate scale, massing, and location of buildings on the lot, roof slopes, street façade, exterior building materials, historic significance, and similar factors. The following objectives and criteria shall be considered in reviewing development projects in the SPSOD:

1. Appropriateness of the proposed design and materials of proposed buildings;
2. Adequacy of the site in terms of the size of the proposed use(s);
3. Adequacy of the provision of open space;
4. Impact on traffic and pedestrian flow and safety;
5. Adequacy of utilities, including sewage disposal, water supply, and storm water drainage;
6. Impact of the proposal on the existing mix of structures and businesses in the SPSOD;
7. Determination that there will be no significant hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;

8. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;
9. 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
10. Adequacy of landscaping/site improvements.

b) Building Design

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

1. Scale

The size and detailing of buildings shall be pedestrian-oriented and shall be designed to reduce the visual perception of bulk and mass, particularly as viewed from the residential neighborhoods southeasterly of the SPSOD. The façade should have both horizontal and vertical elements to break down the scale and enhance the appearance.

2. External Materials and Appearance

Buildings shall be designed to avoid use of reflective materials such as porcelain enamel, sheet metal, mirrored glass, or plastic.

Predominant wall finishes shall be or have the appearance of wood, brick, or stone. Window openings shall be maximized in order to increase visibility into storefronts and add vibrancy to the commercial area.

3. Architectural Details

Architectural features shall be compatible with other structures in the Town's commercial areas. Distinctive features, finishes, and construction techniques shall be utilized in the design of new buildings or additions.

All mechanical systems shall be contained within the building.

The Planning Board may waive some or all of the dimensional and parking requirements of this Section if the proposed project effectively retains the architectural integrity of buildings contained on the list entitled Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw as previously reviewed and determined by the Historic District Commission pursuant to the procedures outlined in Section 60-320 of the Town's General Bylaws.

4. Interior Layout for Age-Restricted Housing Developments

Dwelling units in Age-Restricted Housing Developments shall contain no more than two 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 aspects facilitate such use or alteration.

5. Signs and Awnings

The signs and awnings shall be subject to Section 5.2 of this Zoning By-Law.

6. 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 SPSOD development projects:

- i. Curb cuts shall be allowed only at the discretion of the Planning Board.
- ii. The Planning Board may allow or require pedestrian and vehicular access to existing or future development on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.
- iii. The provision of parking shall 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.
- iv. Parking lots and driveways shall have landscaped buffer zones separating cars from pedestrians. The Planning Board shall determine an adequate buffer zone for each project.
- v. Where possible, surface parking lots shall not be placed along Pleasant Street and shall be concealed behind buildings and not visible from Pleasant Street.
- vi. Underground parking is strongly encouraged where feasible.

vii. Parking Structures

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

- a. Compatibility with the proposed building(s) and surrounding neighborhood with regard to architecture, size, scale, and intensity and mass;
- b. Promote a pedestrian friendly street presence;
- c. 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;
- d. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;

- e. All ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure;
- f. Exterior landscaping shall be provided to screen the structure;
- g. 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;
- h. Architectural articulation shall be on all sides of the parking structure and of materials compatible with the primary building; and
- i. Pedestrian warning devices should be located at all entrances and exits that intersect pedestrian walkways.

7. Lighting

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

- i. Exterior signs should have lights for visibility at night.
- ii. Landscaped paths and walkways should always be comfortably and safely lit. Consider low-placed lamps, wall sconces, and pedestrian-scale pole-mounted fixtures.
- iii. Awnings and canopies may be illuminated from within to make them glow at night.
- iv. Lighting shall be appropriately screened so as to prevent them from creating glare in the eyes of people on the sidewalks, in buildings, or in cars.
- v. Exterior light fixtures shall be shielded from view or blended into the building's lines. Decorative fixtures may be exposed as a design element.
- vi. Building entries and display windows shall be lit with warm-toned lighting.
- vii. To highlight landscaping, up-light into trees or strings of lights among branches may be required.
- viii. Electrical conduits shall be concealed within the moldings and lines of the building.
- ix. There shall be no flashing signs.

8. Landscaping and Off-Site Improvements

The Applicant may be required to install street furniture and landscaping on public property abutting and within the proximity of the proposed development project to ensure the integrity of design in the SPSOD and to promote the development of a pedestrian-oriented building



environment that enhances connectivity to both the Waverley Square and Belmont Center commercial areas and transit stops. Site improvements, such as window boxes or potted plants, may be installed outside development project storefronts, provided that they do not conflict with Massachusetts Architectural Access Board regulations.

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

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

- 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 properly maintained.
- vi. Window boxes, gardens, or hanging planters shall be located in appropriate locations.
- vii. Landscaping and plantings shall be maintained so as not to interfere with entry to stores or block visibility of signs.
- viii. Climate requirements, growth potential, and adaptability to the urban environment shall be considered when selecting plant types and species.
- ix. Landscaping shall be installed to screen dumpsters, transformers, air conditioning equipment, and other similar building equipment.

#### **6G.4 Submittal Requirements**

Any Applicant seeking Design and Site Plan Review or a Special Permit for a SPSOD 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 MA 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.
- d) A certified plot plan less than 6 months old;
- e) Architectural Layout Plans at a scale of 1/8" = 1' or appropriate scale. All spaces within the proposal must be properly labeled and all dimensions must be clearly shown;
- f) Site perspective, sections, elevations 1/8" = 1';
- g) Detailed description of the proposed use of the building, including hours of operation, numbers of employees, method and types of deliveries, etc;
- h) 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;
- i) 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;
- j) Detailed plans for disposal of sanitary sewage;
- k) Detailed plans for landscaping;
- l) Parking plan;
- m) Plan for lighting, including the type of fixtures, and the off-site overspill (foot candles) of the lighting;
- n) Signage plans;
- o) The proposed method of storm water removal accompanied by calculations for a 20-year storm event; and
- p) For Age-Restricted Housing Developments, 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 dwelling units shall be occupied by persons fifty-five (55) years of age and older except for guest visiting for short duration not to exceed thirty days in a calendar year.

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 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 Special Permit.

## **6G.5 Procedures**

### **6G.5.1 Design and Site Plan Review**

Applicants for Design and Site Plan Review under this Section 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 the 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 the 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 6G.

Applications may be denied when:

- a) Applications are incomplete; or
- b) Proposed developments inconsistent with the standards and criteria set forth in Section 6G 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 6G to the contrary, Design and Site Plan Review shall not be required for alterations or repairs to an existing building in a previously approved SPSOD 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.

#### 6G.5.2 Special Permit Application

All applications for Special Permits in the SPSOD shall follow the sections of the Town of Belmont Zoning By-Law that are applicable to the application procedures.

#### 6G.5.3 Additional Special Permit Conditions for Age-Restricted Housing Developments and Assisted Living Facilities

In granting a Special Permit 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 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 fifty-five (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 Special Permit. 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 SPSOD. 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) Affordability

Building permits shall not be issued unless and until the Town has received written correspondence from the Department of Housing and Community Development (DHCD) that the affordable dwelling units, required under Section 6.10 of this Zoning By-Law, will be included in DHCD's Subsidized Housing Inventory of low or moderate income housing dwelling units for the purpose of compliance with the provisions of MGL c. 40B, §20-23. The correspondence from DHCD must provide documentation that the low or moderate income dwelling units will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.

c) Local Preference

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

6G.5.4 Coordination with Other Provisions of By-Law

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

;or in any way act thereon.

Submitted by the Planning Board

The Board of Selectmen and the Planning Board will report on this Article.

**Two-thirds vote required for passage.**

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**ARTICLE 4:**

**AMENDMENT TO ZONING BY-LAW:  
ADULT USE MARIJUANA  
ESTABLISHMENT OVERLAY DISTRICT**

To see if the Town will vote to create an Adult Use Marijuana Establishment Overlay District, as follows:

A. In Section 1.4, Definitions and Abbreviations, after the definition for 'Lot Frontage' insert six new definitions as follows (bold and underlined):

**Lot Frontage** - The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site. Measured continuously along one street line between side lot lines. In the case of corner lots, measured on the street designated by the owner or, failing that, by the Building Inspector as the frontage street, between the side lot line and the midpoint of the corner radius.

**Marijuana, Adult Use Establishment (AUME) - Collectively Marijuana Cultivator, Marijuana Independent Testing Laboratory, Marijuana Product Manufacturer, and Marijuana Retailer or any other type of licensed marijuana-related businesses.**<sup>1</sup>

**Marijuana Cultivator** - An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.<sup>1</sup>

**Marijuana Independent Testing Laboratory** - A laboratory that is licensed by the Cannabis Control Commission (Commission) and is: (i) accredited to the most current version of the

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<sup>1</sup> These definitions are based on the definitions as provided in MGL c. 94G, §1, and the regulations thereunder, as they may be amended from time to time.

International Organization for Standardization 17025 by a third-party accrediting body that is signatory of the International Laboratory Accreditation Accrediting Cooperation with a mutual recognition arrangement, or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to MGL c. 94G.<sup>1</sup>

Marijuana Product Manufacturer - An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not consumers.<sup>1</sup>

Marijuana Products - Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, beverages, topical products, ointments, oils, and tinctures.<sup>1</sup>

Marijuana Retailer - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.<sup>1</sup>

B. In Section 3.3, Schedule of Use Regulations, after 'Registered Marijuana Dispensary' insert the uses 'Marijuana Cultivator', 'Marijuana Independent Testing Laboratory', 'Marijuana Product Manufacturer', and 'Marijuana Retailer' and refer each use to Section 6F, 'Adult Use Marijuana Establishment Overlay District', as follows (bold and underlined):

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b><u>BUSINESS</u></b>								
Registered Marijuana Dispensary (See §6E)	N	N	N	N	SP	N	SP	N
<b><u>Marijuana Cultivator (See §6F)</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>Marijuana Independent Testing Laboratory (See §6F)</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>Marijuana Product Manufacturer (See §6F)</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>Marijuana Retailer (See §6F)</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>SP</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>

- c. Insert a new Section 6F, 'Adult Use Marijuana Establishment Overlay District', after Section 6E, 'Medical Marijuana Overlay District', as follows:

**Section 6F    Adult Use Marijuana Establishment Overlay District**

**6F.1    Purpose**

The purpose of the Adult Use Marijuana Establishment Overlay District (AUMEOD) is to provide for the placement of Adult Use Marijuana Establishments (AUME), as they are authorized in accordance with the "Act to Ensure Safe Access to Marijuana", adopted as Chapter 55 of the Acts of 2017. The AUMEs will be in locations suitable to minimize adverse impacts of AUMEs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate by regulating the siting, design, placement, security, and removal of AUMEs.

**6F.2    Authority and Establishment**

The Planning Board shall be the Special Permit Granting Authority for Adult Use Marijuana Establishment (AUME) Special Permits.

The boundaries of the AUMEOD are shown on the Zoning Map on file with the Town Clerk and include the underlying Local Business II. Within the AUMEOD, all requirements of the underlying districts remain in effect, except where this Section provides an alternative to such requirements. Land within the AUMEOD may be used either for (1) an AUME, in which case the requirements set forth in this Section shall apply; or (2) a use allowed in the underlying zoning district, in which case the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD are silent on a zoning regulation, the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD conflict with the requirements of the underlying zoning district, the requirements of the AUMEOD shall control.

**6F.3    Use Regulations**

- a. Uses under this Section may only be involved in the uses and activities permitted by the definition as limited by state law, and may not include other businesses or services in the same building.
- b. No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the Premises.
- c. The hours of operation shall be set by the Planning Board, but in no event shall a building be open to the public, nor any sale or other distribution of marijuana occur upon the Premises between the hours of 8:00 p.m. and 8:00 a.m.

**6F.4    Physical and Locational Requirements**

- a. All aspects of the AUME must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
- b. Outside storage of marijuana, related supplies, or educational materials is prohibited.
- c. The proposed use shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way that, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors. Symbols and logos used to identify marijuana shall be prohibited in accordance with state law.
- d. AUMEs may not be located within 500 feet of a school, including a public or private elementary or secondary school. The distance under this Section is measured in a straight line from the nearest point of the property line of the protected uses identified in this Section to the nearest point of the building in which the proposed AUME is to be located.

#### **6F.5 Application**

In addition to the materials required under Section 7.4.4 of the Zoning By-Law, the application for a Special Permit AUME shall include:

- a. Disclosure Statement – An affidavit(s) signed by the organization's Chief Executive Officer disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- b. Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or in the case of a lease, a notarized statement from the property owner or a redacted copy of the lease agreement.
- c. Description of Activities - A narrative providing information about the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales, distribution of educational materials, and other programs or activities.
- d. Floor Plans - A detailed floor plan of the proposed AUME that identifies the square footage available and describes the functional areas of the AUME.
- e. Site Plans - Detailed site plans that include the following information:
  - i. Compliance with the requirements for parking and loading spaces, for frontage, yards, and heights and coverage of buildings, and all other provisions of this Zoning By-Law;
  - ii. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;



- iii. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
  - iv. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the building,;
  - v. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
  - vi. Adequacy of water supply, surface and subsurface drainage, and exterior lighting of the premises.
- f. Transportation Analysis - A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of customer and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
- g. Context Map – A map depicting all properties and land uses within a 500-foot radius of the project site, including but not limited to all facilities identified in Section 6F.4 d above.
- h. Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.
- i. Registration Materials – Copies of registrations and licenses and a copy of a signed Host Agreement with the Town of Belmont, in accordance with MGL c. 94G and subsequent regulations, to the Planning Board prior to the issuance of a Certificate of Occupancy. Required licenses include: the state license from the Cannabis Control Commission (CCC) and the Sales Permit from the Town of Belmont Board of Health.
- j. Disposal Plan – A plan indicating how the unused and/or expired marijuana products will be disposed consistent with applicable state and local regulations.

#### **6F.6 Special Permit Criteria**

In granting a Special Permit for an AUME, in addition to the general criteria for issuance of a Special Permit as set forth in Section 7.4.3 of this Zoning By-Law, the Planning Board shall find that the following criteria are met:

- a. The AUME meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and the Town of Belmont and will be in compliance with all applicable state and local laws and regulations.
- b. The building and site have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or economic impacts that might result from required security measures and restrictions on visibility into the building's interior.

- c. The AUME provides a secure vestibule for checking proper identification and provides a secure indoor waiting area and adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage of marijuana is adequately secured in enclosed, locked facilities.
- d. The site is designed to provide convenient, safe, and secure access and egress for customers and employees arriving to and leaving from the Premises using all modes of transportation.
- e. Loading, refuse, and service areas are designed to be secure and visually shielded from abutting uses.
- f. Traffic generated by customer trips, employee trips, deliveries to and from the AUME, and parking and queuing, especially during peak periods at the AUME, shall not create a substantial adverse impact on nearby residential uses.

#### **6F.7 Special Permit Conditions on AUMEs**

The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, preserve the character of the surrounding area, and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the applicant's AUME, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- a. Hours of Operation.
- b. The Special Permit shall lapse within five years of its issuance. If the Special Permit holder wishes to renew the Permit, an application to renew the Special Permit must be submitted at least 120 days prior to the expiration of the Special Permit.
- c. The Special Permit shall be limited to the current applicant and is not transferable and shall lapse if the permit holder ceases operating the AUME.
- d. The Special Permit shall lapse upon the expiration or termination of the applicant's state license from the CCC or Sales Permit from the Town of Belmont's Board of Health.
- e. The permit holder shall provide to the Inspector of Buildings and Chief of the Police Department, the name, telephone number, and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- f. The designated representatives shall file an annual report (one year from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the AUME and to demonstrate continued compliance with the conditions of the Special Permit.

**6F.8 Exemption from AUME Special Permit Requirement**

AUMEs that demonstrate that they are protected pursuant to the agricultural exemption under MGL c. 40A, §3 are not required to obtain a Special Permit, but shall apply for Design and Site Plan Approval pursuant to Section 7.3 of the Zoning By-Law.

**6F.9 Severability**

If any provision of this Section shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 6F.1.

; or in any way act thereon.

Submitted by the Planning Board

The Board of Selectmen and the Planning Board will report on this Article.

**Two-thirds vote required for passage.**

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**ARTICLE 5:****FY19 COMMUNITY PRESERVATION COMMITTEE  
OFF-CYCLE PROJECT**

To see if the Town will vote to appropriate from Fiscal Year 2019 Community Preservation Funds "FY19 Budgeted Reserve", the amount of four hundred thousand dollars (\$400,000) for design for Phase 1a of the Community Path, project title "The Alexander Avenue Underpass" submitted by the Board of Selectmen; or in any way act thereon.

*This article is an Off Cycle Community Preservation Act request by the Board of Selectmen to begin design work on Phase 1a of the Community Path. Phase 1a of the Community Path is the design and construction of the Alexander Avenue Underpass, under the MBTA rail lines joining Channing Road/Alexander Avenue with the Belmont High School property. This article only funds design of Phase 1a of this project. Phase 1b of the Community Path will be presented at the 2019 Annual Town Meeting, anticipated in the spring of 2019.*

Submitted by the Community Preservation Committee

The Board of Selectmen, Community Preservation Committee, Warrant Committee, Community Path Implementation Advisory Committee and Capital Budget Committee will report on this Article.

**Majority vote required for passage.**

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**ARTICLE 6:****APPOINT DPW/POLICE BUILDING COMMITTEE**

To see if the Town will vote to authorize the Town Moderator to appoint the Department of Public Works and Police Station Building Committee to oversee said designs, and to authorize said Building

Committee to enter into contracts and take all actions necessary to carry out the design and construction for the Public Works Building and Police Station Building, or in any way act thereon.

*The article seeks to authorize the Moderator to reappoint the Department of Public Works Building and Police Department Building Committee to serve in this capacity through the final design and construction of the projects.*

**Majority vote required for passage.**

The Board of Selectmen and Capital Budget Committee will report on the Article.

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**ARTICLE 7:**

**REDUCTION OF SENIOR PROPERTY TAX  
DEFERRAL INTEREST RATE**

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws from eight percent (8%) per year to four and one half percent (4.5%), or in any way act thereon.

*This article seeks to reduce the current interest rate for Belmont Residents who are eligible and have or will be granted tax deferrals (under M.G.L. Chapter 59, Section 5, Clause 41A) from the Town of Belmont from 8% simple interest to 4.5% simple interest. The revised interest rate will reduce the cost to seniors who qualify and participate in the deferral program by reducing the annual interest collected on the taxes deferred.*

Submitted by the Board of Selectmen and Town Assessors

The Board of Selectmen, Board of Assessors, Warrant Committee, and Town Treasurer will report on this Article.

**Majority vote required for passage.**

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**ARTICLE 8:**

**CITIZEN PETITION:  
ZONING AMENDMENT: MARIJUANA ESTABLISHMENT  
TEMPORARY MORATORIUM EXTENSION**

To see if the Town will vote to amend the Zoning By-Laws by amending Section 9.3, "Temporary Moratorium" as follows:

By deleting the words, "The moratorium shall be in effect through December 31, 2018" and replacing with the words "The moratorium shall be in effect through June 30, 2019".

So that it reads:

9.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana Establishments". The moratorium shall be in effect through June 30, 2019. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana Establishments" and related uses, and shall consider adopting new Zoning By-Laws to address the impact and operation of Marijuana Establishments and related uses.

Submitted by Portia Thompson (2)


The petitioners will report on this Article.


**Two-Thirds vote required for passage.**

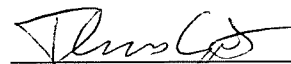


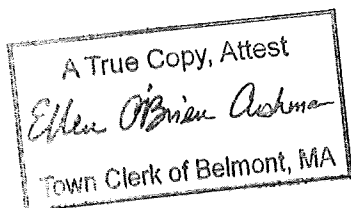
Given under our hands this 18<sup>th</sup> day of **October 2018**.

**BELMONT - BOARD OF SELECTMEN**

  
\_\_\_\_\_  
Adam Dash, Chair

  
\_\_\_\_\_  
Mark A. Paolillo, Vice Chair



  
\_\_\_\_\_  
Thomas Caputo, Selectman




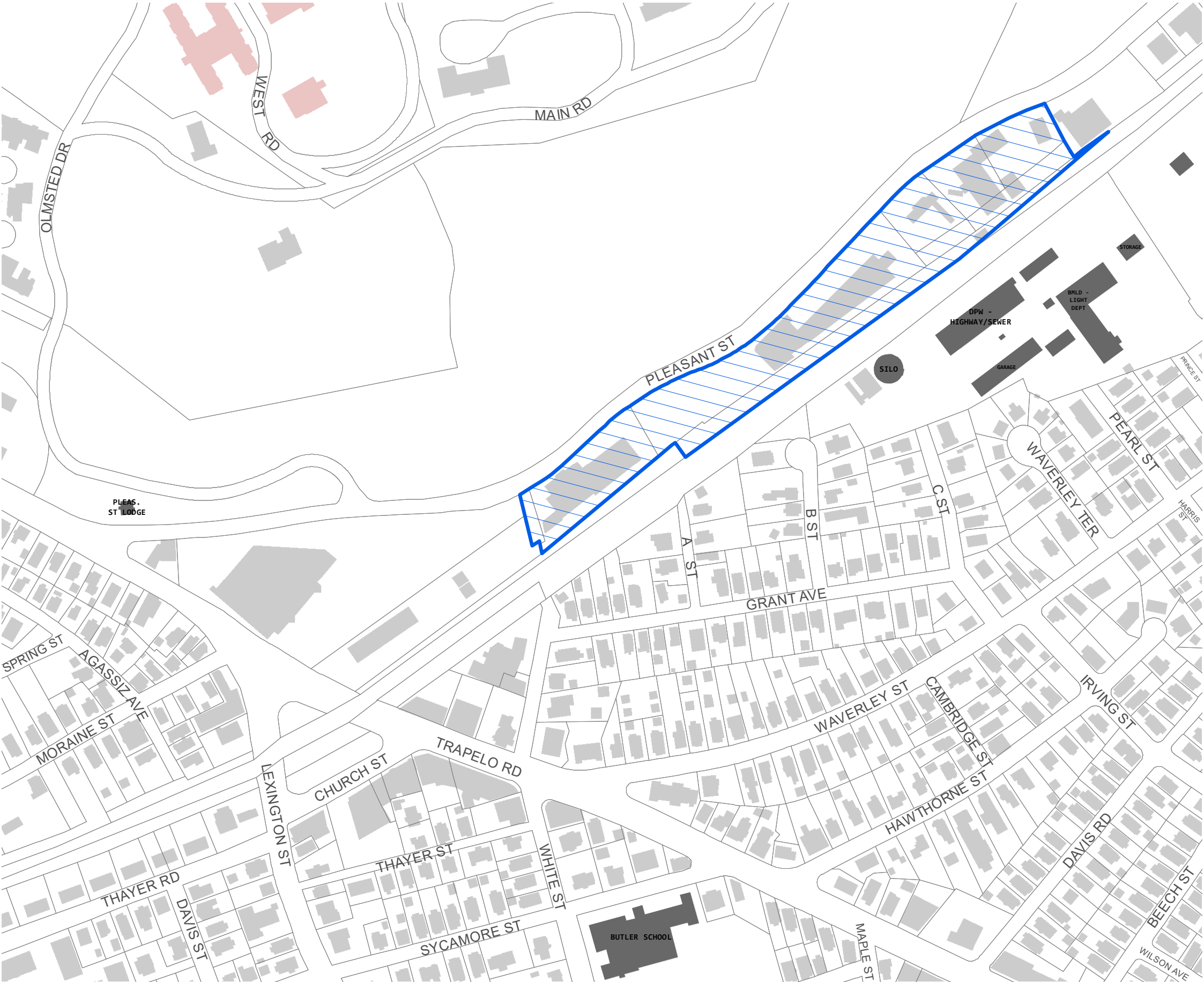
# SOUTH PLEASANT STREET OVERLAY DISTRICT (SPSOD)

Date: 10/23/2018

**Legend**

-  South Pleasant Street Overlay District
-  Town Owned Buildings

 1 inch = 250 feet



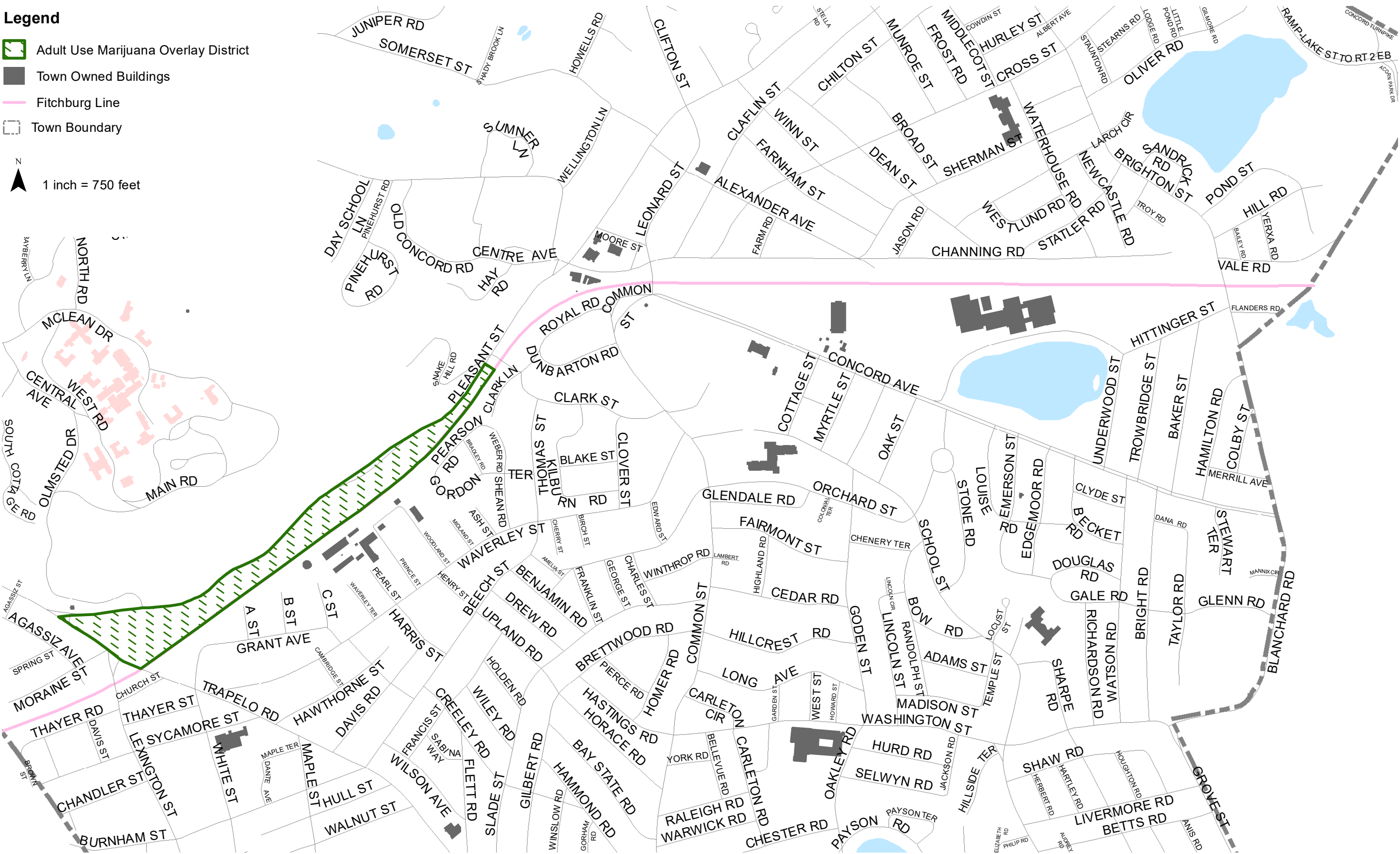


# ADULT USE MARIJUANA ESTABLISHMENT OVERLAY DISTRICT (AUMEOD)

Date: 10/23/2018

- Legend**
- Adult Use Marijuana Overlay District
  - Town Owned Buildings
  - Fitchburg Line
  - Town Boundary

1 inch = 750 feet







**MOTIONS FOR 2018 SPECIAL TOWN MEETING**  
**November 13, 2018**  
**(As of November 8, 2018, Subject to Change)**

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**PRELIMINARY MOTION:**

**ORDER OF ARTICLES**

MOVED: That the articles be taken up in the following order:  
1, 2, 6, 5, 7, 3, 4, 8

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**ARTICLE 1:**

**REPORTS**

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees for the year 2018 be accepted. *(Majority vote)*

MOVED: That Article 1 motion be laid on the table. *(Majority vote)*

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**ARTICLE 2:**

**APPROPRIATION: BELMONT HIGH  
SCHOOL CONSTRUCTION PROJECT**

MOVED: That the Town appropriate the amount of **two hundred and ninety three million four hundred nine thousand, one hundred eighty-nine (\$293,409,189) Dollars, in addition to the \$1,750,000 previously** appropriated under Article 2 of the May 4, 2016 Special Town Meeting, for the purpose of paying costs of designing, demolishing, originally equipping, and furnishing the Belmont High School, located at 221 Concord Avenue in Belmont, relocating and reconstructing the playing fields, and renovating the current pool and field house, to accommodate grades seven (7) through twelve (12), including constructing an addition, and all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Belmont High School Building Committee. To meet this appropriation the Treasurer with the approval of the Board of Selectmen, is

authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty and sixty sixth one hundred percent (40.66%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (*Two-thirds vote*)

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**ARTICLE 3:**

**AMENDMENT TO ZONING BY-LAW:  
SOUTH PLEASANT OVERLAY DISTRICT**

MOVED: That the Town vote to amend the Zoning By-Law by inserting a new Section 6G, 'South Pleasant Street Overlay District', as set forth in the November 7, 2018 document titled, "Revised Main Motion Under Article 3, Proposed South Pleasant Street Overlay District" as distributed by the Town Clerk to each Town Meeting Member prior to this Town Meeting. (*Two-thirds vote*)

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**ARTICLE 4:**

**AMENDMENT TO ZONING BY-LAW:  
ADULT USE MARIJUANA ESTABLISHMENT OVERLAY DISTRICT**

MOVED: That the Town vote to amend the Zoning By-Law by inserting a new Section 6F, 'Adult Use Marijuana Establishment Overlay District', as set forth as set forth in the November 7, 2018 document titled, "Revised Main Motion Under Article 4, Proposed Adult Use Marijuana Establishment Zoning B-Law" as distributed by the Town Clerk to each Town Meeting Member prior to this Town Meeting.. (*Two-thirds vote*)

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**ARTICLE 5:**

**FY19 COMMUNITY PRESERVATION COMMITTEE  
OFF-CYCLE PROJECT**

MOVED: That \$400,000 be appropriated from the FY 19 Budgeted Reserve of the Community Preservation Fund for Phase 1a of the Community Path, Alexander Avenue Underpass design.  
(*Majority vote*)

**ARTICLE 6:**

**APPOINT DPW/POLICE BUILDING COMMITTEE**

MOVED: That the Town vote to authorize the Department of Public Works and Police Station Building Committee appointed by the Moderator to oversee the designs of said buildings, and to authorize said Building Committee to enter into contracts and take all actions necessary to carry out the final design and construction of the projects. *(Majority vote)*

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**ARTICLE 7:**

**REDUCTION OF SENIOR PROPERTY TAX  
DEFERRAL INTEREST RATE**

MOVED: That the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Chapter 59, Section 5, clause 41A of the Massachusetts General Laws from (8%) eight percent per year to (4.5%) four and one half percent per year, said rate to be effective for all tax deferral agreements for the Fiscal Year beginning on July 1, 2019 (FY20) and subsequent years. *(Majority vote)*

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**ARTICLE 8:**

**CITIZEN PETITION:  
ZONING AMENDMENT: MARIJUANA ESTABLISHMENT  
TEMPORARY MORATORIUM EXTENSION**

MOVED: That the Town vote to amend Section 9.3 of the Zoning By-Law, 'Marijuana Establishment Temporary Moratorium', as set forth under Article 8 of the Warrant for this Special Town Meeting. *(Two-thirds vote)*

2018 SPECIAL TOWN MEETING  
REVISED MAIN MOTION UNDER ARTICLE 3

2018 NOV -7 PM 3:57

**PROPOSED SOUTH PLEASANT STREET OVERLAY DISTRICT**

*(See the explanation of how the text below differs from the text in the warrant at the end of this motion.)*

**MOVED:** That the Town vote to amend the Zoning By-Law by inserting a new Section 6G "South Pleasant Street Overlay District" and adding corresponding definitions to Section 1.4, as follows:

1. In Section 1.4, Definitions and Abbreviations, after the definition for 'Accessory Use' insert a new definition for 'Age-Restricted Housing Development' and after the definition for 'Apartment House' insert a new definition for 'Assisted Living Facility' as follows:

**1.4 Definitions and Abbreviations**

**Accessory Use** - An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use, except for institutional (religious or educational uses) parking lots used by others, with owner's consent, not conducting business within such institution.

**Age-Restricted Housing Development** - **A facility intended for persons of age 55 or over within the meaning of MGL c.151B, §4, and in accordance therewith each of the dwelling units shall be owned and occupied or rented and occupied by at least one person 55 years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, and the same are currently in effect and as the same may be amended.**

**Apartment House** - A dwelling containing no fewer than five dwelling units.

**Assisted Living Facility** - **Any firm or legal entity, however organized, that meets all of the following criteria:**

- a) **Provides room and board;**
- b) **Provides, directly by its employees or through arrangements with another organization that the entity may or may not control or own, personal care services for three or more adults who are not related by consanguinity or affinity to their care provider; and**
- c) **Collects payments or third-party reimbursements from or on behalf of residents of the facility to pay for the provision of assistance with the activities of daily living (dressing, washing, eating, walking, etc.), or arranges for the same.**

2. Insert a new Section 6G, 'South Pleasant Street Overlay District', after Section 6F, 'Adult Use Marijuana Establishment Zoning By-Law', as follows:

**6G. SOUTH PLEASANT STREET OVERLAY DISTRICT**

**6G.1 General**

**6G.1.1 Purpose**

In recognition of the unique location, function, and character of land uses in the South Pleasant Street commercial area, the South Pleasant Street Overlay District (SPSOD) is intended to:

- a) encourage revitalization of South Pleasant Street;
- b) promote the redevelopment of under-utilized properties in a coordinated and well-planned manner;
- c) promote mixed-use development, incorporating retail, restaurant, office, and residential uses;
- d) foster the development of a more pedestrian-oriented built environment;
- e) allow the uses and dimensional regulations of the Local Business I (LB-I) in the South Pleasant Street Local Business II (LB-II) area without altering the underlying LB-II zoning that are located wholly or partially within the SPSOD;
- f) provide for the demonstrated needs of the Town by making provisions for housing to be occupied by elderly persons who otherwise would not have such housing opportunities within the Town; and
- g) provide a type of housing for the elderly that reduces burdens of property maintenance and which reduces demands on municipal services.

**6G.1.2 Boundaries of South Pleasant Street Overlay District**

The South Pleasant Street Overlay District (SPSOD) boundaries are shown on the South Pleasant Street Overlay District Map and is generally described as the area on South Pleasant Street east of and including the White Street Extension, south of the Lone Tree Hill Conservation Land, and north of the railroad tracks, including those parcels in the underlying Local Business II Zoning District. The SPSOD boundaries shall be shown on the Town of Belmont Zoning District Map.

**6G.1.3 Applicability and Authority**

The SPSOD shall be considered as overlaying other existing zoning districts. The SPSOD confers 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 6G.3. 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.



The Planning Board is the Special Permit Granting Authority (SPGA) for SPSOD developments requiring a Special Permit. SPSOD development projects will also be eligible for a Special Permit to increase building height and to exceed otherwise applicable square footage limitations.

## **6G.2 Uses**

### **6G.2.1 Uses Permitted in the South Pleasant Street Overlay District**

The uses allowed within the Local Business I District (LB-I), as outlined in Section 3, Use Regulations, shall be allowed within a SPSOD development project.

Uses permitted by Special Permit in the LB-I as outlined in Section 3 shall also require a Special Permit in the SPSOD and shall be subject to the requirements of Sections 7.4.3 and 6G.3:

### **6G.2.2 Additional Uses Permitted by Special Permit in the SPSOD**

#### **a) Age-Restricted Housing Development.**

A development that provides independent housing for households including at least one member 55 years of age or older ("Occupant") and may include any one of the following:

1. A spouse, under 55 years of age, of an Occupant may reside in the Occupant's unit;
2. A spouse who survives the Occupant;
3. A spouse where the Occupant has moved out of the unit and into a long-term care facility;
4. A mentally or physically handicapped child, brother, or sister of an Occupant or spouse who is dependent upon said Occupant or spouse for daily care; or
5. A paid caregiver providing medical or health care to an Occupant or spouse.

#### **b) Assisted Living Facility.**

An Assisted Living Facility may include associated dining facilities, common rooms, activity and recreation rooms, and offices that provide for the benefit of their residents. Assisted Living Facilities may also provide, without limitation, meals served in a common dining room or delivered to rooms; housekeeping or laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting, and walking; security; exercise programs; medication reminders; and social and recreational activities.

#### **c) Accessory Uses.**

Age-Restricted Housing Developments and Assisted Living Facilities may provide convenience retail and personal services if said uses do not have any exterior signs and do not comprise more than 2,500 square feet. These accessory uses shall not render this development a Mixed-

Use Residential Development under Section 6.10, Inclusionary Housing, of this Zoning By-Law, used for calculating the number of required affordable housing units.

6G.2.3 The following are expressly prohibited uses in a SPSOD development project:

- a) Commercial surface parking lot and related facilities;
- b) Banks, credit unions, and similar establishments;
- c) Drive-through establishments; or
- d) Adult entertainment establishments.

6G.2.4 Existing Zoning District

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

### **6G.3 Performance and Design Standards**

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

6G.3.1 Performance Standards

Dimensional Regulations - the following dimensional regulations, as generally allowed within the LB- I District, (Section 4.2, Schedule of Dimensional Regulations) shall be allowed within a SPSOD development project.

#### **a) Setbacks**

- 1. Front: The maximum front setback shall be five feet for the front and street side façades.
- 2. Side: The minimum side setback shall be six feet.
- 3. Rear: The minimum rear yard setbacks shall be six feet.

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

#### **b) Height of Structures**

- 1. In Feet:

The maximum height of buildings is 28 feet above ambient sidewalk grade.

A building height of up to 40 feet to the highest point of the building may be allowed by Special Permit from the Planning Board, provided that all of the mechanical systems are contained within the building.

2. In Stories:

The maximum height of buildings is two stories.

A building height of up to three stories may be allowed by Special Permit from the Planning Board.

c) Floor Area Ratio (FAR)

The maximum allowed FAR shall be 1.25.

A FAR of 1.5 may be allowed by Special Permit from the Planning Board.

For Special Permits under this Section, the Planning Board shall take into account the criteria provided in Sections 4.4 and 7.4.3 and subject to Section 6G.3

6G.3.2 Parking Requirements

- a) The parking requirements for uses within the SPSOD shall be provided in accordance with Section 5.1 of this Zoning By-Law.

b) Reduction of Parking

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

1. 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.
2. Uses within ½ mile of public transportation may be entitled to a 10% reduction in required parking.
3. 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.

c) Bicycle Parking

The following requirements apply to any new developments:

1. Residential - at least one bicycle parking or storage space shall be provided per dwelling unit.
2. Business - at least two bicycle parking spaces shall be created per business establishment.



For business establishments over 10,000 square feet gross floor area (GFA), one additional bicycle parking space shall be provided for every additional 1,000 square feet GFA.

Assisted Living Facilities and 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.

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

### 6G.3.3 Design Standards

#### a) General Guidelines

The Planning Board shall consider the architectural and aesthetic compatibility of the proposed development project with the character of the Town of Belmont, taking into account appropriate scale, massing, and location of buildings on the lot, roof slopes, street façade, exterior building materials, historic significance, and similar factors. The following objectives and criteria shall be considered in reviewing development projects in the SPSOD:

1. Appropriateness of the proposed design and materials of proposed buildings;
2. Adequacy of the site in terms of the size of the proposed use(s);
3. Adequacy of the provision of open space;
4. Impact on traffic and pedestrian flow and safety;
5. Adequacy of utilities, including sewage disposal, water supply, and storm water drainage;
6. Impact of the proposal on the existing mix of structures and businesses in the SPSOD;
7. Determination that there will be no significant hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;
8. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;
9. 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
10. Adequacy of landscaping/site improvements.

#### b) Building Design

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

1. Scale

The size and detailing of buildings shall be pedestrian-oriented and shall be designed to reduce the visual perception of bulk and mass, particularly as viewed from the residential neighborhoods southeasterly of the SPSOD. The façade should have both horizontal and vertical elements to break down the scale and enhance the appearance.

2. External Materials and Appearance

Buildings shall be designed to avoid use of reflective materials such as porcelain enamel, sheet metal, mirrored glass, or plastic.

Predominant wall finishes shall be or have the appearance of wood, brick, or stone. Window openings shall be maximized in order to increase visibility into storefronts and add vibrancy to the commercial area.

3. Architectural Details

Architectural features shall be compatible with other structures in the Town's commercial areas. Distinctive features, finishes, and construction techniques shall be utilized in the design of new buildings or additions.

All mechanical systems shall be contained within the building.

The Planning Board may waive some or all of the dimensional and parking requirements of this Section if the proposed project effectively retains the architectural integrity of buildings contained on the list entitled Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw as previously reviewed and determined by the Historic District Commission pursuant to the procedures outlined in Section 60-320 of the Town's General Bylaws.

4. Interior Layout for Age-Restricted Housing Developments

Dwelling units in Age-Restricted Housing Developments shall contain no more than two 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 aspects facilitate such use or alteration.

5. Signs and Awnings

The signs and awnings shall be subject to Section 5.2 of this Zoning By-Law.

6. 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 SPSOD development projects:

- i. Curb cuts shall be allowed only at the discretion of the Planning Board.
- ii. The Planning Board may allow or require pedestrian and vehicular access to existing or future development on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.
- iii. The provision of parking shall 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.
- iv. Parking lots and driveways shall have landscaped buffer zones separating cars from pedestrians. The Planning Board shall determine an adequate buffer zone for each project.
- v. Where possible, surface parking lots shall not be placed along Pleasant Street and shall be concealed behind buildings and not visible from Pleasant Street.
- vi. Underground parking is strongly encouraged where feasible.
- vii. Parking Structures.

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

- a. Compatibility with the proposed building(s) and surrounding neighborhood with regard to architecture, size, scale, and intensity and mass;
- b. Promote a pedestrian-friendly street presence;
- c. 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;
- d. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;
- e. All ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure;
- f. Exterior landscaping shall be provided to screen the structure;
- g. 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;

- h. Architectural articulation shall be on all sides of the parking structure and of materials compatible with the primary building; and
- i. Pedestrian warning devices should be located at all entrances and exits that intersect pedestrian walkways.

## 7. Lighting

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

- i. Exterior signs should have lights for visibility at night.
- ii. Landscaped paths and walkways should always be comfortably and safely lit. Consider low-placed lamps, wall sconces, and pedestrian-scale pole-mounted fixtures.
- iii. Awnings and canopies may be illuminated from within to make them glow at night.
- iv. Lighting shall be appropriately screened so as to prevent them from creating glare in the eyes of people on the sidewalks, in buildings, or in cars.
- v. Exterior light fixtures shall be shielded from view or blended into the building's lines. Decorative fixtures may be exposed as a design element.
- vi. Building entries and display windows shall be lit with warm-toned lighting.
- vii. To highlight landscaping, up-light into trees or strings of lights among branches may be required.
- viii. Electrical conduits shall be concealed within the moldings and lines of the building.
- ix. There shall be no flashing signs.

## 8. Landscaping and Off-Site Improvements

The Applicant may be required to install street furniture and landscaping on public property abutting and within the proximity of the proposed development project to ensure the integrity of design in the SPSOD and to promote the development of a pedestrian-oriented building environment that enhances connectivity to both the Waverley Square and Belmont Center commercial areas and transit stops. Site improvements, such as window boxes or potted plants, may be installed outside development project storefronts, provided that they do not conflict with Massachusetts Architectural Access Board regulations.

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



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

- 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 properly maintained.
- vi. Window boxes, gardens, or hanging planters shall be located in appropriate locations.
- vii. Landscaping and plantings shall be maintained so as not to interfere with entry to stores or block visibility of signs.
- viii. Climate requirements, growth potential, and adaptability to the urban environment shall be considered when selecting plant types and species.
- ix. Landscaping shall be installed to screen dumpsters, transformers, air conditioning equipment, and other similar building equipment.

#### **6G.4 Submittal Requirements**

Any Applicant seeking Design and Site Plan Review or a Special Permit for a SPSOD 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.
- d) A certified plot plan less than 6 months old;
  - e) Architectural Layout Plans at a scale of  $1/8" = 1'$  or appropriate scale. All spaces within the proposal must be properly labeled and all dimensions must be clearly shown;
  - f) Site perspective, sections, elevations  $1/8" = 1'$ ;
  - g) Detailed description of the proposed use of the building, including hours of operation, numbers of employees, method and types of deliveries, etc;
  - h) 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;
  - i) 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;
  - j) Detailed plans for disposal of sanitary sewage;
  - k) Detailed plans for landscaping;
  - l) Parking plan;
  - m) Plan for lighting, including the type of fixtures, and the off-site overspill (foot candles) of the lighting;
  - n) Signage plans;
  - o) The proposed method of storm water removal accompanied by calculations for a 20-year storm event; and
  - p) For Age-Restricted Housing Developments, 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 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.
    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 6.G 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 Special Permit.

## **6G.5 Procedures**

### **6G.5.1 Design and Site Plan Review**

Applicants for Design and Site Plan Review under this Section 6.G 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 6G.

Applications may be denied when:

- a) Applications are incomplete; or
- b) Proposed developments inconsistent with the standards and criteria set forth in Section 6G 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 6G to the contrary, Design and Site Plan Review shall not be required for alterations or repairs to an existing building in a previously approved SPSOD 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.

#### 6G.5.2 Special Permit Application

All applications for Special Permits in the SPSOD shall follow the sections of the Town of Belmont Zoning By-Law that are applicable to the application procedures.

#### 6G.5.3 Additional Special Permit Conditions for Age-Restricted Housing Developments and Assisted Living Facilities

In granting a Special Permit 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 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 Special Permit. 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 SPSOD. 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) Affordability

Building permits shall not be issued unless and until the Town has received written correspondence from the Department of Housing and Community Development (DHCD) that the affordable dwelling units, required under Section 6.10 of this Zoning By-Law, will be included in DHCD's Subsidized Housing Inventory of low- or moderate-income housing dwelling units for the purpose of compliance with the provisions of MGL c. 40B, §20-23. The correspondence from DHCD must provide documentation that the low- or moderate-income dwelling units will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.

##### c) Local Preference

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

#### 6G.5.4 Coordination with Other Provisions of By-Law

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

[End of Motion]

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#### **Explanation of the changes to the text from that appearing in Article 3 of the warrant.**

All of the changes below are matters of form, grammar and punctuation:

1. Inserting "6G" after "this Section" to clarify which section the respective provision is referring to – ("this Section 6G");
2. Delete 'fifty-five' and leave as '55;'
3. Insert hyphens – third-party; pedestrian-friendly; two-year; low-income; moderate-income
4. Insertion of a missing period;
5. Replace "MA" with "Massachusetts;"
6. Deleting 'one hundred percent (100%)' and inserting 'each' – in accordance therewith 'each' of the dwelling units;
7. Inserting 'to be' – by making provisions for housing 'to be' occupied by elderly persons
8. Defining Occupant – replacing lower case 'o' with capital 'O' when using Occupant for the allowed uses of Age-Restricted Housing
9. Replacing 'entered' with 'moved out of the unit and' ("A spouse where the Occupant has moved out of the unit and into a long-term care facility").

In addition the phrase "Assisted or skilled nursing care shall be prohibited" was deleted from § 6G.2.2.

**Article 3: South Pleasant Street Overlay District**

2018 NOV 14 PM 1:59

**Correction to comply with the Americans with Disabilities Act**

Submitted on behalf of Joan Drevins, Town Meeting Member, Precinct 7

CORRECTED TEXT

6G.2.2 Additional Uses Permitted by Special Permit in the SPSOD

a) Age-Restricted Housing Development.

A development that provides independent housing for households including at least one member 55 years of age or older ("Occupant") and may include any one of the following:

1. A spouse, under 55 years of age, of an Occupant may reside in the Occupant's unit;
2. A spouse who survives the Occupant;
3. A spouse where the Occupant has moved out of the unit and into a long-term care facility;
4. 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
5. A paid caregiver providing medical or health care to an Occupant or spouse.

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ORIGINAL TEXT

4. A mentally or physically handicapped child, brother, or sister of an Occupant or spouse who is dependent upon said Occupant or spouse for daily care; or

2018 SPECIAL TOWN MEETING

REVISED MAIN MOTION UNDER ARTICLE 4 2018 NOV -7 PM 3:57

**PROPOSED ADULT USE MARIJUANA ESTABLISHMENT ZONING BY-LAW**

*(See the explanation of how the text below differs from the text in the warrant at the end of this motion.)*

**MOVED:** That the Town vote to amend the Zoning By-Law by inserting a new Section 6F "Adult Use Marijuana Establishment Overlay District" and adding corresponding definitions to Section 1.4, as follows:

1. In Section 1.4, Definitions and Abbreviations, after the definition for 'Lot Frontage' insert six new definitions as follows:

**Lot Frontage** - The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site. Measured continuously along one street line between side lot lines. In the case of corner lots, measured on the street designated by the owner or, failing that, by the Building Inspector as the frontage street, between the side lot line and the midpoint of the corner radius.

**Marijuana, Adult Use Establishment (AUME) - Collectively Marijuana Cultivator, Marijuana Independent Testing Laboratory, Marijuana Product Manufacturer, and Marijuana Retailer or any other type of licensed marijuana-related businesses.<sup>1</sup>**

**Marijuana Cultivator - An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.<sup>1</sup>**

**Marijuana Independent Testing Laboratory - A laboratory that is licensed by the Cannabis Control Commission (Commission) and is: (i) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is signatory of the International Laboratory Accreditation Accrediting Cooperation with a mutual recognition arrangement, or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to MGL c. 94G.<sup>1</sup>**

**Marijuana Product Manufacturer - An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not consumers.<sup>1</sup>**

**Marijuana Products - Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or**

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<sup>1</sup> These definitions are based on the definitions as provided in MGL c. 94G, §1, and the regulations thereunder, as they may be amended from time to time.



**consumption, including without limitation edible products, beverages, topical products, ointments, oils, and tinctures.<sup>1</sup>**

**Marijuana Retailer - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.<sup>1</sup>**

- In Section 3.3, Schedule of Use Regulations, after 'Registered Marijuana Dispensary' insert the uses 'Marijuana Cultivator,' 'Marijuana Independent Testing Laboratory,' 'Marijuana Product Manufacturer,' and 'Marijuana Retailer' and refer each use to Section 6F, 'Adult Use Marijuana Establishment Overlay District,' as follows:

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b><u>BUSINESS</u></b>								
Registered Marijuana Dispensary (See §6E)	N	N	N	N	SP	N	SP	N
<b><u>Marijuana Cultivator (See §6F)</u></b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b><u>Marijuana Independent Testing Laboratory (See §6F)</u></b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b><u>Marijuana Product Manufacturer (See §6F)</u></b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b><u>Marijuana Retailer (See §6F)</u></b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>

- Insert a new Section 6F, 'Adult Use Marijuana Establishment Overlay District,' after Section 6E, 'Medical Marijuana Overlay District,' as follows:

### **Section 6F Adult Use Marijuana Establishment Overlay District**

#### **6F.1 Purpose**

The purpose of the Adult Use Marijuana Establishment Overlay District (AUMEOD) is to provide for the placement of Adult Use Marijuana Establishments (AUME), as they are authorized in accordance with the "Act to Ensure Safe Access to Marijuana," adopted as Chapter 55 of the

Acts of 2017. The AUMEs will be in locations suitable to minimize adverse impacts of AUMEs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate by regulating the siting, design, placement, security, and removal of AUMEs.

## **6F.2 Authority and Establishment**

The Planning Board shall be the Special Permit Granting Authority for Adult Use Marijuana Establishment (AUME) Special Permits.

The boundaries of the AUMEOD are shown on the Zoning Map on file with the Town Clerk and include the underlying Local Business II. Within the AUMEOD, all requirements of the underlying districts remain in effect, except where this Section provides an alternative to such requirements. Land within the AUMEOD may be used either for (1) an AUME, in which case the requirements set forth in this Section 6F shall apply; or (2) a use allowed in the underlying zoning district, in which case the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD are silent on a zoning regulation, the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD conflict with the requirements of the underlying zoning district, the requirements of the AUMEOD shall control.

## **6F.3 Use Regulations**

- a. Uses under this Section may only be involved in the uses and activities permitted by the definition as limited by state law, and may not include other businesses or services in the same building.
- b. No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the Premises.
- c. The hours of operation shall be set by the Planning Board, but in no event shall a building be open to the public, nor any sale or other distribution of marijuana occur upon the Premises between the hours of 8:00 p.m. and 8:00 a.m.

## **6F.4 Physical and Locational Requirements**

- a. All aspects of the AUME must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
- b. Outside storage of marijuana, related supplies, or educational materials is prohibited.
- c. The proposed use shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way that, in the opinion of the Planning

Board, may promote or encourage the use of marijuana or other drugs by minors. Symbols and logos used to identify marijuana shall be prohibited in accordance with state law.

- d. AUMEs may not be located within 500 feet of a school, including a public or private elementary or secondary school. The distance under this Section is measured in a straight line from the nearest point of the property line of the protected uses identified in this Section to the nearest point of the building in which the proposed AUME is to be located.

#### **6F.5 Application**

In addition to the materials required under Section 7.4.4 of this Zoning By-Law, the application for a Special Permit AUME shall include:

- a. Disclosure Statement – An affidavit(s) signed by the organization’s Chief Executive Officer disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- b. Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or in the case of a lease, a notarized statement from the property owner or a redacted copy of the lease agreement.
- c. Description of Activities - A narrative providing information about the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales, distribution of educational materials, and other programs or activities.
- d. Floor Plans - A detailed floor plan of the proposed AUME that identifies the square footage available and describes the functional areas of the AUME.
- e. Site Plans - Detailed site plans that include the following information:
  - i. Compliance with the requirements for parking and loading spaces, for frontage, yards, and heights and coverage of buildings, and all other provisions of this Zoning By-Law;
  - ii. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  - iii. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
  - iv. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the building,;
  - v. Design and appearance of proposed buildings, structures, freestanding signs, screening, and landscaping; and

- vi. Adequacy of water supply, surface and subsurface drainage, and exterior lighting of the Premises.
- f. Transportation Analysis - A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of customer and employee trips to the site, the expected modes of transportation used by customers and employees, and the frequency and scale of deliveries to and from the site.
- g. Context Map – A map depicting all properties and land uses within a 500-foot radius of the project site, including but not limited to all facilities identified in Section 6F.4 d above.
- h. Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.
- i. Registration Materials – Copies of registrations and licenses and a copy of a signed Host Agreement with the Town of Belmont, in accordance with MGL c. 94G and subsequent regulations, to the Planning Board prior to the issuance of a Certificate of Occupancy. Required licenses include: the state license from the Cannabis Control Commission (CCC) and the Sales Permit from the Town of Belmont Board of Health.
- j. Disposal Plan – A plan indicating how the unused and expired marijuana products will be disposed consistent with applicable state and local regulations.

#### **6F.6 Special Permit Criteria**

In granting a Special Permit for an AUME, in addition to the general criteria for issuance of a Special Permit as set forth in Section 7.4.3 of this Zoning By-Law, the Planning Board shall find that the following criteria are met:

- a. The AUME meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and the Town of Belmont and will be in compliance with all applicable state and local laws and regulations.
- b. The building and site have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or economic impacts that might result from required security measures and restrictions on visibility into the building's interior.
- c. The AUME provides a secure vestibule for checking proper identification and provides a secure indoor waiting area and adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage of marijuana is adequately secured in enclosed, locked facilities.
- d. The site is designed to provide convenient, safe, and secure access and egress for customers and employees arriving to and leaving from the Premises using all modes of transportation.



- e. Loading, refuse, and service areas are designed to be secure and visually shielded from abutting uses.
- f. Traffic generated by customer trips, employee trips, deliveries to and from the AUME, and parking and queuing, especially during peak periods at the AUME, shall not create a substantial adverse impact on nearby residential uses.

#### **6F.7 Special Permit Conditions on AUMEs**

The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, preserve the character of the surrounding area, and otherwise serve the purpose of this Section 6F. In addition to any specific conditions applicable to the applicant's AUME, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- a. Hours of Operation.
- b. The Special Permit shall lapse within five years of its issuance. If the Special Permit holder wishes to renew the Permit, an application to renew the Special Permit must be submitted at least 120 days prior to the expiration of the Special Permit.
- c. The Special Permit shall be limited to the current applicant and is not transferable and shall lapse if the permit holder ceases operating the AUME.
- d. The Special Permit shall lapse upon the expiration or termination of the applicant's state license from the CCC or Sales Permit from the Town of Belmont's Board of Health.
- e. The permit holder shall provide to the Inspector of Buildings and Chief of the Police Department, the name, telephone number, and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- f. The designated representatives shall file an annual report (one year from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the AUME and to demonstrate continued compliance with the conditions of the Special Permit.

#### **6F.8 Exemption from AUME Special Permit Requirement**

AUMEs that demonstrate that they are protected pursuant to the agricultural exemption under MGL c. 40A, §3, are not required to obtain a Special Permit, but shall apply for Design and Site Plan Approval pursuant to Section 7.3 of this Zoning By-Law.



## **6F.9 Severability**

If any provision of this Section 6F shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 6F.1.

[End of Motion]

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### **Explanation of the changes to the text from that appearing in Article 4 of the warrant.**

All of the changes are matters of form, grammar and punctuation:

1. Relocate commas outside of quotes in the motion (e.g., 'Marijuana Cultivator,');
2. Punctuation within the text of the By-Law; commas outside of quotes (e.g., "Act to Ensure Safe Access to Marijuana,");
3. Inserting "6F" after "this Section" to clarify which section the respective provision is referring to – ("this Section 6F");
4. Change references to "the" Zoning By-Law to "this" Zoning By-Law;
5. Inserting commas – ("structures, freestanding signs, screening, and landscaping");
6. Change "clients" to "customers;"
7. Delete 'or' from 'and/or.'



**OFFICE OF COMMUNITY DEVELOPMENT  
TOWN OF BELMONT**

19 Moore Street  
Homer Municipal Building  
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division  
(617) 993-2664  
Engineering Division  
(617) 993-2665  
Planning Division  
(617) 993-2666

**Memorandum**

To: Town Meeting Members  
From: Belmont Planning Board  
Date: October 17, 2018

**RE: Planning Board Report to the 2018 Special Town Meeting**

Pursuant to the requirements of Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board hereby provides the following recommendations on the zoning amendments that will appear before the 2018 Special Town Meeting. Sitting for the Board were Charles Clark, Chair; Stephen Pinkerton, Vice Chair; Thayer Donham; Karl Haglund; Edmund Starzec; and Bulent Gurel, associate member. A brief overview of the zoning amendments, the reasons for them, and the Board's recommendations to the Town Meeting are provided below.

**Article 4 South Pleasant Street Overlay District**

For several years, the Planning Board has considered rezoning the South Pleasant Street commercial area in recognition of its unique location, function, and the character of its land uses. Additionally, providing elderly housing opportunities for Belmont residents to remain in Belmont as they age has been a priority for many. As a result, the South Pleasant Street Overlay District attempts to promote the redevelopment of under-utilized properties in a coordinated and well-planned manner; promote mixed-use development, incorporating retail, restaurant, office, and residential uses; and provide a type of housing for the elderly that reduces burdens of property maintenance and reduces demands on municipal services. To achieve these objectives, the Overlay District allows the uses and dimensional regulations of the abutting Local Business I (LB-I) Zoning District (Waverley Square) in the Overlay District. An overlay district conveys additional development rights on top of the existing underlying zoning district with a Special Permit from the Planning Board.

The Board held a public hearing on September 18, 2018, and continued it to October 2 and 11. At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to adopt the South Pleasant Street Overlay District by inserting it into the Zoning By-Law.**

## **Article 5      Adult Use Marijuana Establishment Overlay District**

By vote at the State election on November 8, 2016, Belmont voters approved a law regulating the control, production, and distribution of recreational marijuana under a system of licenses and regulations. A moratorium that expires on December 31, 2018, has been in place since then to provide the Town sufficient time to develop zoning regulations. The 2018 Annual Town Meeting decided that a town-wide vote was required to allow the Town to decide whether to limit adult use marijuana establishments to two retail establishments or allow all regulated marijuana uses. On September 25, 2018, the Town voted to limit adult marijuana uses to two retail sales establishments. The Planning Board reviewed all of the commercial areas in Town and based on significant public input determined that South Pleasant Street was the appropriate location for retail marijuana sales. As a result, the Adult Use Marijuana Establishment Overlay District sets physical and locational requirements, application procedures, permitting criteria, and provides for additional conditions that may be attached to an adult use marijuana establishment Special Permit. An overlay district conveys additional development rights on top of the existing underlying zoning district with a Special Permit from the Planning Board.

The Board held a public hearing on September 18, 2018, and continued it to October 2 and 11. At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to adopt the Adult Use Marijuana Establishment Overlay District by inserting it into the Zoning By-Law.**

If you have any questions regarding these amendments, please do not hesitate to contact either Jeffrey Wheeler, Senior Planner, at 617-993-266 or at [jwheeler@belmont-ma.gov](mailto:jwheeler@belmont-ma.gov) or Spencer Gober, Staff Planner, at 617-993-2666 or at [sgober@belmont-ma.gov](mailto:sgober@belmont-ma.gov).

Thank you.



**TOWN OF BELMONT**  
**ASSESSORS' OFFICE**  
Homer Municipal Building  
19 Moore Street  
Belmont, Massachusetts 02478-0900  
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ROBERT P. REARDON, CAE, CHAIRMAN  
MARTIN B. MILLANE, JR.  
CHARLES R. LAVERTY, III, ESQ.

DANIEL A. DARGON, JR., MAA  
ASSESSING ADMINISTRATOR

October 24, 2018

**RE: Senior Tax Deferral Interest Rate Reduction Article**

Dear Sirs,

Per our joint discussion between the Board of Assessors and the Board of Selectmen from the August 20, 2018, with further discussion at the October 1<sup>st</sup>, 2018, of the Selectmen meetings the Board of Assessors would like to submit the following article for the Town of Belmont Special Town Meeting Warrant.

The Board of Assessors voted to unanimously to support this article at the October 10, 2018 Board of Assessors Meeting.

The article is to reduce the annual interest collected on the Senior Tax Deferral Program (M.G.L. Chapter 59, Section 5, Clause 41A) from (8%) eight percent per year to (4.5%) four and one half percent per year beginning in Fiscal Year 2020.

Please let me know if you have any additional questions.

Sincerely,

Mr. Robert P. Reardon, CAE, Chairman  
Board of Assessors  
Town of Belmont

cc.  
Patrice Garvin, Town Administrator  
Floyd Carmen, Town Treasurer  
Warrant Committee, Town of Belmont

**MOVED:**

That the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Chapter 59, Section 5, clause 41A of the Massachusetts General Laws from (8%) eight percent per year to (4.5%) four and one half percent per year.

The adjusted interest rate shall be effective for all tax deferrals granted beginning in Fiscal Year 2020 and shall not be applied to existing deferral agreements.

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BELMONT, MA

2018 OCT 25 PM 7:36

October 25, 2018

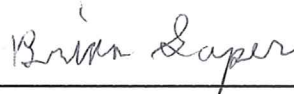
Town of Belmont  
Warrant for 2018 Special Town Meeting  
November 13, 2018

Amendment to Article 3

Moved to Amend 6G.3.3 b) 8. vii.

By adding at the end: “, or sight lines for drivers exiting or crossing sidewalks.”

Submitted by:



---

Brian Saper  
Town Meeting Member, Precinct 6

RECEIVED  
TOWN CLERK  
BELMONT, MA

## 2018 Special Town Meeting

Article 4: Amendment to Zoning By-Law: Adult Use Marijuana Establishment  
Overlay District

2018 NOV -9 AM 10:41

### Amendment #1

Moved: That Article 4 be amended by inserting the following sentence at the end of Section 6F.2 to clarify that the South Pleasant Street Overlay District ("SPSOD") will apply to the Adult Use Marijuana Establishment Overlay District only if a proposed Adult Use Marijuana Establishment seeks to use any of the benefits of the SPSOD:

#### **6F.2 Authority and Establishment**

The Planning Board shall be the Special Permit Granting Authority for Adult Use Marijuana Establishment (AUME) Special Permits.

The boundaries of the AUMEOD are shown on the Zoning Map on file with the Town Clerk and include the underlying Local Business II. Within the AUMEOD, all requirements of the underlying districts remain in effect, except where this Section provides an alternative to such requirements. Land within the AUMEOD may be used either for (1) an AUME, in which case the requirements set forth in this Section 6F shall apply; or (2) a use allowed in the underlying zoning district, in which case the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD are silent on a zoning regulation, the requirements of the underlying zoning district shall apply. If the provisions of the AUMEOD conflict with the requirements of the underlying zoning district, the requirements of the AUMEOD shall control.

**An AUME proposed to be sited in the South Pleasant Street Overlay District ("SPSOD") described in Section 6G of this By-Law, shall be also be subject to the SPSOD "Design Standards" in Section 6G.3.3 if the project proposes to use any of the provisions of Section 6G.3.1 of the SPSOD to enlarge or enhance the AUME.**