

ZONING BY-LAW
OF THE
TOWN OF BELMONT
(With Ch. 808 revisions added)



Adopted
January 19, 1925

Approved, by the Attorney - General in
accordance with Chapter 40, Section 32,
of the General Laws.

Corrected to *May 5, 1975*
~~January 1, 1974~~

*no further corrections
to July 1, 1977*

TOWN OF BELMONT
ZONING BY-LAW
ARTICLE XXVI

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ARTICLE XXVI

SECTION I - GENERAL

(a) Title and Authority

This By-Law shall be known and may be cited as the "Zoning By-Law", and is adopted in accordance with and pursuant to the provisions of General Laws, Chapter 40A, as amended by Chapter 808 of the Acts of 1975 as amended.

(b) Purposes

The purposes of this By-Law include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the comprehensive plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these purposes under the provisions of General Laws, Chapter 40A.

Regulations adopted pursuant to these purposes may include, but are not limited to, restricting, prohibiting, permitting or regulating the use, alteration, height, area and location of buildings and structures and the use of premises in the Town of Belmont.

(c) Basic Requirements

Any building or structure hereinafter erected, reconstructed, altered, enlarged, or moved or any use of premises hereinafter established, altered or expanded in the Town of Belmont shall be in conformity with the provisions of this By-Law. Any use not specifically or generically enumerated in a district herein shall be deemed prohibited. In accordance with General Laws, Chapter 40A, and notwithstanding any provisions to the contrary, this By-Law shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth, or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a non-profit educational corporation.

~~ARTICLE XXVI~~

~~SECTION 1 - DEFINITIONS~~

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(d) Definitions

Lot

A lot is the whole area of a single parcel of land under one ownership. Whenever such a parcel is divided on a plan which has been placed on file at the Middlesex South Registry of Deeds at Cambridge the term lot as used in this By-Law shall mean a lot as shown on such plan.

Block

A block is an area of land of one or more lots, bounded by streets or ways, but with no streets or ways within the area.

Dwelling

Added
June 11, 1973
Approved
Oct. 23, 1973
Posted
Oct. 26, 1973

A building containing one or more dwelling units separated by side yards from any other structure or structures except accessory buildings.

Dwelling Unit

Added
June 11, 1973
Approved
Oct 23, 1973
Posted
Oct. 26, 1973

A group of rooms designed or occupied as a habitable residence for a family with facilities used or intended to be used for living, sleeping, cooking, eating, and for bathroom use.

Family

Added
June 11, 1973
Approved
Oct. 23, 1973
Posted
Oct. 26, 1973

One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that if five or more persons of the group occupying said dwelling are not kindred to each other, as defined by civil law, they shall not be deemed to constitute a family.

Floor Area Ratio

Added
June 11, 1973
Approved
Oct. 23, 1973
Posted
Oct 26, 1973

Amended

April 30, 1975

Ratio of gross building floor area to the area of the lot upon which the building stands. Area of basement is included in gross floor area, but area of cellar is not.

Townhouse

Added
June 14, 1973
Approved
Oct. 23, 1973
Posted
Oct. 26, 1973

A row of three (3) or more attached one-family dwelling units, which comprise a continuous structure not more than two rooms deep. Each dwelling unit within a Townhouse shall have its own independent entrance to and from the exterior. Dimensional requirements for Townhouses shall be in accordance with the regulations for Planned Development Areas as set forth in Section 5B of this zoning by-law.

Basement

Amended
April 30, 1975

A portion of a building partially underground, but having less than half its clear height below the grade plane. (see cellar)

Cellar

A portion of a building partially underground, having half or more than than half of its clear height below the grade plane.

Half Story

A story under a sloping roof of which the floor area of the rooms is not more than seventy-five percent of the area of the ground floor.

Ground Floor

The floor which is nearest to the average grade of the sidewalk or ground adjoining.

Grade

The average of the finished ground level adjoining the building at all exterior walls.

Height, Building

The vertical distance from the grade to the highest point of the roof. When a building faces more than one street the height may be measured from the average of the grade at the center line of each street front.

Story

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

SECTION 2 - DISTRICTS

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Cont.

Amended
June 11, 1973

Approved
Oct 23, 1973

Posted
Oct 26, 1973

(a) The Town of Belmont is hereby divided into ten classes of districts: single residence A districts, single residence B districts, single residence C districts, general residence districts, local business I districts, local business II districts, local business III districts, general business districts, parking lot districts, and apartment house districts, as shown on the Zoning Map dated March 14, 1955 as amended, which accompanies this By-Law and is hereby declared to be part hereof, a copy of which is on file with the Town Clerk.

(b) The boundaries between districts are, unless otherwise indicated, the center lines of such streets, alleys, parkways or railroads through which the boundary lines run. Unless otherwise specified, a boundary line within a block less than 200 feet wide is a median line between the street lines of said block. Where a block is 200 feet or more in width, the boundary line between districts as indicated shall be 100 feet from the less restricted side of the block.

(c) Where a district boundary line divides a single lot at the time of the adoption of such line, the regulation for the less restricted portion of such lot shall extend to the entire lot, but not more than thirty feet within the boundary line of the more restricted district, provided, however, that where any one

Article XXVI
Cont.

lot lies in two districts but has no frontage on a street in the less restricted district, said entire lot shall be subject to the requirements of the more restricted district.

(d) Chimneys, spires, towers and other projections not used for human occupation may extend above the height limitations herein fixed.

Amended
March 16, 1970
Approved
July 9, 1970
Posted
July 19, 1970
in accordance
with Chap 40,
Sec 32

(e) No lot shall be so reduced that the dimensions of any of the open space, street frontage or the lot area shall be smaller than herein prescribed.

Amended
April 5, 1927
Approved
Aug. 3, 1927
Published
Sept. 17, 24
and Oct 1,
1927

(f) No lot, building or structure of any kind within the town shall be erected or used for the following purposes: The excavation of clay for the manufacture of bricks or other like clay products, the slaughtering of animals, including stock yards, fat rendering, manufacture of fertilizer, gelatine, glue, grease, lard, tallow, soap; rendering of any description, incineration or reduction of dead animals, garbage, offal, or refuse, except a municipal plant authorized by law; the manufacturing of matches, explosives, fireworks, firecrackers, gasoline, naphtha, petroleum, or the refining of these products including the storage of the above products in tanks above ground in quantities exceeding 2,000 gallons, or any other industry injurious to the health, safety and general welfare of the town.

Amended
March 26, 1973

Approved
Aug 16, 1973

Published
July 26, 1973
Aug 2, 1973
Aug 9, 1973

(g) No land within the Town shall be used as a sand or gravel pit nor shall soil, loam, sand or gravel be removed from any land except when incidental to the construction of a structure or accessory use as authorized by this By-Law, without a permit from the Building Inspector, which permit shall be issued only with the prior approval of the Board of Appeals.

Amended
March 11, 1963

Approved
June 18, 1963

Published
June 27,
July 5 and 11,
1963

(h) No building shall be constructed with a floor area of the living space of less than 768 square feet ~~for a single family dwelling or for each apartment of a two-family dwelling, and no single family dwelling shall be constructed with a floor area of the living space on the first floor thereof less than 600 square feet.~~

Adopted
March 14, 1955

Approved
April 21, 1955

Published
April 29, May 6
and 13, 1955

(i) Between the property lines of intersecting streets and a line joining points on such lines 20 feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any district may be erected, and no fence and no vegetation, except tree trunks, may be maintained or allowed to remain between a height of 3 feet and 8 feet above the plane through their center line grades, except that these provisions shall not apply to buildings or structures erected for a business use in a business district.

Article XXVI
Cont.

Added
Mar. 8, 1965

Approved
May 7, 1965

Posted in
accordance with
Chap.40, Sec.32

(j) No billboard, sign or outdoor advertising device shall be erected or maintained on a lot in a single or general residence district, except that an owner or tenant occupying said lot may erect a sign thereon no larger than one hundred and fifty (150) square inches upon which may be written his name, address and profession and provided further that he may erect and maintain thereon for a period not exceeding sixty (60) days a temporary sign, no larger than thirty-six (36) inches by thirty-six (36) inches, stating a warning or advertising said lot for sale or rent. Any lighting of a sign shall be non-flashing and shall be shielded from shining upon adjacent property or streets.

No billboard, sign or outdoor advertising device shall be erected or maintained on a lot in a local business, general business or parking lot district, except one which is affixed flush to the surface of a wall of a building and which does not project more than six (6) inches outward or upward from the wall, roof or facade of the building, without the approval of the Board of Selectmen and a permit issued by

the Building Inspector. All billboards, signs, or outdoor advertising devices requiring a permit shall be of such dimensions and material as the Board of Selectmen may prescribe and subject to the following restrictions:

1. No ~~Billboard~~, sign or outdoor advertising device shall be erected or maintained which would be detrimental to the character of the area in which it is erected or maintained or would be harmful to the public safety or public welfare.

2. No billboard, sign or outdoor advertising device shall contain flashing, blinking or revolving lights and all lighting shall be shielded from shining upon adjacent property or streets. No billboard, sign or other outdoor advertising device shall be painted upon or affixed to any fence, rock, pole or tree, nor painted or posted on the surface of any wall without an intermediary removable surface.

3. No sign or outdoor advertising device shall project over a public sidewalk more than three (3) feet nor shall such projecting sign or device be less than ten (10) feet from the ground; provided, however, that a metal or cloth awning, upon which there is advertising, used primarily to protect the building front and/or entrance from the weather may

be seven and one-half (7½) feet from the ground and may project over the sidewalk more than three (3) feet but in no event be closer than two (2) feet to the curb line.

4. No billboard, sign or outdoor advertising device shall be larger than sixty-five (65) square feet.

All billboards, signs or outdoor advertising devices not requiring approval of the Board of Selectmen and a permit from the Building Inspector shall nevertheless conform to the restrictions set forth in paragraphs 1 and 2 herein. If any of the foregoing relating to outdoor advertising shall violate the provisions of General Laws, Chapter 93, Section 29-33 inclusive, as amended, or rules and regulations of the Outdoor Advertising Authority such latter provisions shall control.

Added
March 8, 1965

Approved
May 7, 1965

Posted in
accordance with
Chap 40, Sec 32

(k) Swimming pools are declared to be structures, subject to the provisions of Article XXII of the By-Laws of the Town of Belmont and are a permissible use when such use is incidental to a residential use within the Town; provided that said swimming pools conform to the set-back, rear line and side line requirements of the district in which said pool is situated; and provided further, that:

1. Every outdoor swimming pool shall be completely surrounded at all times, whether or not the same be filled with water, by a fence or wall not less than four (4) feet in height. Each such fence or wall shall be so constructed as not to have openings, holes or spaces larger than four (4) inches in any dimension except for doors and gates and except for picket fences where the space between pickets shall not exceed four (4) inches:

2. All gates or doors opening through such enclosure shall be not less than four (4) feet in height and shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped;

3. All lighting of an outdoor residential pool or its enclosure shall be directed at the pool and the light shall be shielded from shining upon any street or adjoining property.

A permitted swimming pool is defined as an artificial or semi-artificial receptacle capable of containing a body of water, whether in or above the ground, or created by artificial means from a natural water course, and all appurtenances,

Article XXVI
Cont.

equipment, appliances and other facilities for its operation, maintenance or use, used or intended to be used by the owner or tenant thereof and his family, and by friends invited to use it without payment of any fee, but not including portable or other pools capable of containing a depth of water not exceeding twenty-four (24) inches at any point.

Added
March 8, 1965

Approved
May 7, 1965

Posted
May 13, 1965
in accordance
with Chap.40
Sec. 32

*Amended
April 30, 1975*

(1) Open lot storage or parking of a boat, boat trailer, house trailer, camping trailer, commercial trailer, commercial vehicle, or an unregistered automobile, is prohibited in a single or general residence district unless in each case a Special Permit be obtained from the Board of Appeals.*

*See Section 8

Added
March 16, 1970

Approved
July 9, 1970

Posted July 17,
1970 in accordance
with Chap
40, Sec 32

(m) No land or lot shall be used for any purpose except those specifically authorized for use of building, structures or land in the respective districts.

Article XXVI
Cont.
Amended
June 11, 1973

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

in accordance
with Chap. 40
Sec. 32

Added
March 22, 1971

Approved
May 14, 1971

Posted
May 21, 1971

Added
June 11, 1973

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

Added
June 14, 1973

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

(n) The regulations on parking contained in Section 4A paragraph (b) for Parking Lot Districts shall be applicable to areas in all other districts that are used for accessory parking of five or more cars.

(o) loading or unloading shall not interfere with public use of sidewalks, streets, or parking areas.

(p) no building shall be erected, altered or used for any use which by reason of emission of odor, dust, fumes, smoke, or noise, or from any other cause, is injurious, noxious or offensive to a neighborhood.

(q) Land in a local business district used for parking, loading or storage purposes, when adjacent and visible to land that is zoned and/or used for residential purposes, shall be screened from the view of the residential area by a six (6) foot opaque fence, wall, or evergreen hedge. When five or more parking spaces are provided, the regulations as set forth in Section 2 paragraph (n) will apply.

(r) Dwelling Group Requirements

Garden apartments and Townhouses (rowhouses) in Planned Development Areas may be constructed as a group of two or more separate dwelling structures

in single or common ownership, provided that such a dwelling group conforms to the following conditions:

- (1) Every dwelling in such a group shall front either on a street or other permanent open space at least thirty feet wide, or on a common yard or outer court within the lot. The minimum dimension of such a common yard, if flanked by buildings within the group, shall be at least equal to the height of the tallest flanking building but not less than forty (40) feet. No structure, other than an unenclosed shelter, fountain, or other ornamental feature shall be erected in any such yard or court.
- (2) The least distance between separate buildings for dwelling purposes shall be not less than the following:
 - (a) Between the front or rear of one building and the front or rear of another building—the height of the tallest building, but not less than forty feet.
 - (b) Between the front or rear of one building and the end of another building, one-half the height of the tallest building, but not less than thirty feet.
 - (c) Between the end of one building and the end of another building—one-fifth the sum of the heights of opposing buildings, but not less than twenty feet.

(d) Between any part of any building, except as above provided, one-fifth the sum of the heights of opposing buildings, but not less than twenty feet.

This distance may be reduced to ten feet in case the right angle projection of the wall of one building overlaps the wall of another building not more than ten feet, provided there is no window in any wall thus overlapped.

(3) The over-all length of a garden apartment or townhouse structure shall not exceed two hundred (200) feet between side yards or between permanent openings at least eight (8) feet high and eight (8) feet wide connecting front and rear yards at ground level. No exterior wall shall exceed one hundred (100) feet in length unless there is a lateral offset of at least five (5) feet.

(4) An existing dwelling (or dwellings) may be incorporated in a building group provided that its placement is made to conform with all of the above requirements and it is made to conform with the

State Building Code requirements of the buildings in the group.

*Amended
May 6, 1974*

(s) A lot whose principal structure is a dwelling shall not have its width reduced, between the street and the rear lines of the dwelling erected thereon, below the required minimum street frontage for the district in which the lot is located.

SECTION 3 -- SINGLE RESIDENCE
DISTRICTS

Article XXVI
Cont.

In a single residence district.

(a) No building or structure shall be erected, altered or used for any other purpose than the following, including customary incidental uses:

(1) Single-family detached dwelling;

(2) Clubhouse, except one with more than five sleeping rooms or the chief use of which is for a service customarily carried on as a business;

Amended
June 11, 1973

(3) Lodgers or boarders may be accommodated in a dwelling unit provided that not more than four persons not members of the family residing in said dwelling unit are accommodated.

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

(4) Church or other religious use; sectarian,

Amended
June 11, 1973

religious, denominational or public educational use provided, however, that no private school conducted for profit, including nursery, dancing and music schools, shall be conducted within the district, unless a permit therefore shall have been granted by the Board of Appeals.

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

(5) Farm, garden, nursery or greenhouse;

(6) Municipal recreational use;

(7) Repealed;

Amended

May 6, 1974

(8) Buildings for accessory use, except those described in paragraph (9) below, customarily incidental to any of the allowed uses and including a garage with space for more than three (3) automobiles, an off-street parking area for more than three (3) automobiles, a stable

Article XXVI
Cont.

for the keeping of live stock other than domestic pets, a helicopter landing platform, a philanthropic use, a municipal cemetery, a hospital or sanitarium with buildings for customary incidental use, provided, however, in each case, that a Special Permit be obtained from the Board of Appeals.*

Amended
April 30, 1975

* See Section 8

(9) next page 15A

(10) An office within the dwelling of a resident physician, dentist or attorney, provided that not more than one person, who does not reside in the premises as a part of the family unit, is employed therein, and such use occupies not more than fifty (50) percent of the area of the floor on which the office is situated in the dwelling.

Posted
May 13, 1965
in accordance
with Chap. 40,
Sec. 32

Amended
Mar. 9, 1964

Approved
May 21, 1964

(b) No part of any building, except unenclosed porches, shall be built within thirty feet of the street line in a single residence A district, or

*Continued
to pg 16*

Amended

May 6, 1974

(9) A private one story garage for not more than 3 automobiles not exceeding 660 square feet of floor area or a height of 15 feet. A noncommercial greenhouse; a tool shed used for the storage of tools, yard and household equipment or other similar accessory buildings none of which shall exceed one hundred and fifty (150) square feet of floor area or a height of ten feet. Buildings constructed under this paragraph may be built to within 5 feet of the sideline and rear line of the lot. A garage constructed under this paragraph may not cover over 40 per cent of the rear yard of the dwelling on the same lot, and if any part is forward of the rear line of the dwelling, the garage must conform to the setback, sideline and rear line requirements for a dwelling in the district in which the garage is located. The rear yard for this paragraph is defined as the area between a line obtained by extending the rear line of the dwelling to each of the side lines of the lot and the rear line of the lot. A building constructed under this paragraph must be on the same lot as the dwelling to which it is accessory. A garage must have a vehicular access from the street.

Posted
June 15, 1964
in accordance
with Chap. 40,
Sec. 32

within twenty-five feet of the street line in a single residence B district and a single residence C district, provided that no building need be set back more than thirty percent of the depth of the lot in a single residence A district, nor more than twenty-five percent of the lot in a single residence B district or a single residence C district, nor more than the average of the set-backs of the buildings on the lots contiguous thereto on either side, a vacant lot or a lot occupied by a building set back more than thirty feet in a single residence A district or twenty-five feet in a single residence B district or a single residence C district being counted as though occupied by a building set back thirty feet or twenty-five feet respectively.

Amended
May 6, 1974

Unenclosed porches may be built five feet nearer the street line than the setbacks required in this paragraph in single residence A, B, and C districts.

Amended
May 6, 1974

(c) In a single residence A district, no part of any dwelling shall be built within forty feet from the rear line of the lot it is built on, or if forty percent of the depth of said lot is less than forty feet then said dwelling shall have a minimum distance equal to forty percent of the depth of the lot between it and said rear line of said lot, and in a single residence B district and in a single residence C district no part of any dwelling shall be built

within thirty feet of the rear line of the lot it is built on, or if thirty percent of the depth of the lot is less than thirty feet, then said dwelling shall have a minimum distance equal to thirty percent of the depth of the lot between it and the rear line of said lot, and provided further with reference to any single residence district that for each foot that a dwelling sets back from the street line in excess of the requirements of sub-section (b), the distance of the dwelling from the rear line of the lot may be reduced one foot but in no case to less than twenty-five feet from the rear line of the lot; and no other buildings not a dwelling nor a building as described in paragraph (a) (9) shall be built within a distance of less than twenty-five feet from the rear line of the lot, or if twenty-five percent of the depth of said lot is less than twenty-five feet then said other building shall have a minimum distance equal to twenty-five percent of the lot between it and the rear line of said lot; in a single residence A district, no building shall be built within fifteen feet of a sideline of a lot nor within thirty feet of another building, except for buildings described in paragraph (a) (9), and in a single residence B district or a single residence C district no building shall be built within ten feet of a side line of a lot nor within twenty feet of another building, except for buildings described in paragraph (a) (9).

(d) No building shall exceed forty feet nor two and one-half stories in height unless it sets back from each street and lot lines ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed sixty feet nor four stories in height.

Article XXVI
Cont.

Amended
Mar. 10, 1958

Approved
Mar. 18, 1958

Published
Mar. 28, Apr 4
and 11, 1958

Single Residence A
Amended
Mar. 9, 1964

Approved
May 21, 1964

Posted
June 15, 1964
in accordance with
Chap. 40, Sec. 32

(e) No dwelling house shall hereafter be erected or placed on a lot containing less than the following area and, except on corner lots, having less than the following minimum frontage on the street on which the lot abuts:

Single Residence A Districts -- area
15,000 square feet, frontage 100 feet

Single Residence B District -- area
10,000 square feet, frontage 80 feet

Single Residence C District -- area
7,000 square feet, frontage 70 feet

~~The foregoing requirements as to minimum area and minimum frontage shall not apply to any parcel of land actually assessed as a separate parcel as of January 1, 1950.~~

(f) Any increase in the area, frontage, width, yard or depth requirements of this By-Law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to the n existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon if at the time of the building, building upon such lot is not prohibited by this by-law.

SECTION 4
GENERAL RESIDENCE DISTRICT

ARTICLE XXVI
Cont.

In a general residence district.

(a) No building or structure shall be erected, altered or used for any other purpose than the following, including incidental uses:

*Amended
May 6, 1974*

(1) Any use permitted in a single residence district, including the uses provided for in Section 3 paragraphs (a) (8) and (a) (9) and under the conditions named in said paragraphs.

Amended
June 11, 1973

(2) A dwelling containing not more than two dwelling units except as hereinafter provided in paragraph (5) and (6).

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

(3) Clubhouse, except one the chief use of which is for a service customarily carried on as a business;

Amended
Mar. 8, 1965

(4) Building for accessory use customarily incident to any of the above uses, provided, however, in each case, that a Special Permit be obtained from the Board of Appeals.*

Approved
May 7, 1965

Posted
May 13, 1965
in accordance
with Chap. 40,
Sec. 32

Amended
April 30, 1975

* See Section 8

(5) Garden apartments subject to the following conditions and restrictions:

Article XXVI
Cont.

Amended
Mar 14, 1966

Approved
Apr 14, 1966

Posted
Apr 25, 1966

No garden apartment building shall contain less than five dwelling units and no dwelling unit shall be constructed with a floor area of the living space of less than six hundred fifty (650) square feet;

No dwelling unit shall be constructed so that the living space thereof will exceed a depth of four (4) feet below the mean finished grade of the ground adjoining the building;

No garden apartment building shall exceed forty (40) feet in height nor three floors of dwelling units;

Parking space for automobiles shall be provided in the side yard or rear yard of the lot and shall not be less than one reasonably accessible space of not less than two hundred (200) square feet for each dwelling unit;

Paragraphs (b) through (e) of this Section shall not be applicable to garden apartments and the following shall apply:

Amended
May 6, 1974

No part of a building shall be built within twenty (20) feet of the street line.

No part of any building shall be built within twenty (20) feet of the side line of a lot nor within thirty (30) feet of another building except a building for accessory use.

No garden apartment building shall utilize more than thirty (30) per cent of the lot upon which it is built and shall have a minimum of twenty-five hundred (2500) square feet of land area per dwelling unit.

No garden apartment building shall be erected or placed on a lot, except on a corner lot, having a frontage of less than one hundred (100) feet on the street on which the lot abuts.

No part of any garden apartment building shall be built within thirty (30) feet from the rear line of the lot it is built on, or if thirty (30) per cent of the depth of said lot is less than thirty (30) feet then said building shall have a distance equal to thirty (30) per cent of the depth of the lot between it and the rear line of said lot; and no accessory building, as defined herein shall be built within a distance less than twelve (12) feet from the rear line of a lot, or if fifteen (15) per cent of the depth of said lot is less than twelve (12) feet, then said other building shall have a distance equal to fifteen (15) per cent of the depth of the lot between it and the rear line of said lot.

Amended
April 30, 1975

The Board of Appeals may issue a Special Permit

Added
Mar. 10, 1969

to the Belmont Housing

Approved
Apr. 10, 1969

Authority to construct garden apartments of not less than 60 dwelling units for occupancy by elderly persons or elderly families (as defined in Section 26J of Chapter 121 of the General Laws (Ter Ed) or 42 United States Code, Section 1402, both as amended, and equivalent provisions of law from time to time in force) on a contiguous lot or lots of land, subject to the fol-

Posted
Apr. 17, 1969
in accordance
with Chap 40,
Sec 32

lowing:

(i) A minimum floor area of living space of not less than 450 square feet per dwelling unit.

(ii) Parking space for automobiles shall be provided and shall not be less than one reasonably accessible space of not less than 200 square feet for each three dwelling units.

(iii) Paragraphs (b) and (c) of this Section 4 shall be applicable with regard to dwelling units for the elderly hereunder in substitution for the requirements of building set-in from the street and set back from side lines and rear line of the lot otherwise provided in this sub-section (a) (5) applying generally to garden apartments.

(iv) No garden apartment building hereunder shall utilize more than 35% of the lot upon which it is built, and the lot shall have a minimum of 1000 square feet of land area per dwelling unit.

Added
June 14, 1973

Approved
Oct. 23, 1973

Posted
Oct. 26, 1973

Amended
May 6, 1974

(6) Townhouse residential units are permitted within a General Residence District only under the regulations for Planned Development Areas set forth in Section 5B of this zoning by-law.

(b) No part of a building except unenclosed porches shall be built within twenty feet of the street line, provided that no building need be set back more than twenty percent of the depth of the lot, nor more than the average of the set-back of the buildings on the lots contiguous thereto on either side, a vacant lot or a lot occupied by a building set-back more than twenty feet being counted as though

occupied by a building set back twenty feet. Unenclosed porches may be built five feet nearer the street line than the setbacks required in this paragraph.

Amended
May 6, 1974

(c) No part of any dwelling shall be built within twenty feet from the rear line of the lot it is built on, or if twenty-five percent of the depth of said lot is less than twenty feet then said dwelling shall have a minimum distance equal to twenty-five percent of the depth of the lot between it and the rear line of said lot; and no other building not a dwelling except for buildings described in Section 3, paragraph (a) (9) shall be built within a distance less than twelve feet from the rear line of a lot, or if fifteen percent of the depth of said lot is less than twelve feet, then said other building shall have a minimum distance equal to fifteen percent of the depth of the lot between it and the rear line of said lot. No building shall have a side wall, except a party wall, within eight feet of the side line of a lot nor within sixteen feet of another building, except for buildings described in Section 3, paragraph (a) (9), and provided further that no dwelling having a party wall on a lot side line shall have the opposite side wall within sixteen feet of the opposite side of the lot or within twenty-four feet of another building, except for buildings described in Section 3, paragraph (a) (9).

(d) No building shall exceed either forty feet or two and one-half stories in height unless it sets back from each street and lot lines ten feet in addition to the above requirements plus one foot for each

Article XXVI
Cont.

foot of excess height. No building shall exceed sixty feet nor four stories in height. No dwelling for more than one family shall exceed forty feet nor two and one-half stories in height, provided that any dwelling existing at the time of the adoption of this By-Law may be altered to accommodate two families.

Added
March 9, 1964

Approved
May 21, 1964

Posted
June 15, 1964
in accordance
with Chap 40,
Sec 32

~~(e) No dwelling house shall hereafter be erected or placed on a lot containing less than 5,000 square feet of land and, except on a corner lot, having less than a frontage of fifty feet on the street on which the lot abuts.~~ (See page 13)

SECTION 4A - PARKING
LOT DISTRICT

Article XXVI
Cont.

Adopted
March 22, 1971

Approved
May 14, 1971

Posted
May 21, 1971
in accordance
with Chap. 40,
Sec. 32.

Amended ↗
April 30, 1975

Amended
May 5, 1975

In a parking lot district, no building or structure shall be erected and no land shall be used except for the following purposes or uses:

Off-street parking lots for the parking of vehicles, providing:

(a) A ^{Special} Permit authorizing such use is granted by the Board of Appeals ; and

(b) such parking lots shall have:

(1) A hard and dustless surface, well-drained and provided with curbing.

"(2) Adjacent to any adjoining property, including public streets or accepted private ways, a screen of not less than five feet in height; except that a screen adjacent to a public street or accepted private way shall not be less than two feet or more than three feet in height if there is an access or egress opening ^{for motor vehicles} to such street or way. Such screen may be an opaque fence or wall, or evergreen hedge on a buffer strip of not less than three feet in width, provided that such screen is maintained in good condition. Access or egress openings through the screen will be limited to the width of the access or egress lane plus not more than three feet on either side of the lane."

(3) Adequate lighting reflected away from adjoining residential premises.

(4) No repair service.

(5) No signs except those containing information pertaining to parking (maximum sign area of six square feet each).

(6) Adequate stall size and adequate area for ingress and egress clearly delineated on the lot surface.

(7) Groups of not more than 30 parking spaces will be separated by a 6 foot landscaped walk or divider.

SECTION 5 - LOCAL BUSINESS DISTRICTS

Amended
June 11, 1973

Approved
Oct 23, 1973

Posted
Oct 26, 1973

Three local business districts are hereby established. These shall be designated local business I (LBI), local business II (LBII), and local business III (LBIII).

- (a) No building or structure shall be erected, altered, or used, and no land shall be used for any purpose other than shown in the following chart:

LOCAL BUSINESS DISTRICTS (LB DISTRICTS)

Permitted Uses	LBI	LBII	LBIII
Retail Sales (1)	Yes	Yes	Yes
Service (1)	Yes	Yes	Yes
Restaurant	S.P.	S.P.	No
Auto Repairs, Sales and Rental, Gas Stations, Garages, Motorized Equipment Sales, Service and Rental (2)	No	Yes	No
Self or fast service filling stations	No	S.P.	No
Office	Yes	Yes	Yes
Place of Assembly, Amusement, or Athletic Exercise	S.P.	S.P.	No
Clubhouse	Yes	Yes	S.P.
Public and Non-Profit Educational and Religious	Yes	Yes	Yes
Private School for Profit	Yes	Yes	S.P.
Nursery or Greenhouse	No	Yes	No
Municipal Use	Yes	Yes	Yes
Multi-Unit Residential Use (3)	No	No	S.P.

Amended
June 14, 1973

Approved
Oct 23, 1973

Posted
Oct 26, 1973

- NOTES:
- (1) Retail sales or service may include the manufacturing or fabrication of products of which the major portion is to be sold at retail on the premises and not more than eight operatives are employed in the manufacturing or fabrication process.
 - (2) Motorized equipment sales, service and rental is hereby defined as including equipment powered by internal combustion engine over 10 H.P.
 - (3) Subject to special regulations for Planned Development Areas, as set forth in Section 5B of this zoning by-law."

S.P. As used in the above chart refers to issuance of a special permit by the Board of Appeals pursuant to the provisions of General Laws (Ter. Ed.) chapter 40A Section 4 and pursuant to Section 8 of this Zoning By-Law.

Article XXVI
Cont.

Amended
June 11, 1973

Approved
Oct 23, 1973

Posted
Oct 26, 1973

(b) The dimensional controls for local business districts shall be as follows:

LOCAL BUSINESS DISTRICTS (LB DISTRICTS)
DIMENSIONAL CONTROLS

	LBI	LBII	LBIII
Lot Size (min.)	none	none	none
Height (max.)	36 ft.	36 ft.	36 ft.
Street Frontage (min.)	20 ft.	20 ft.	20 ft.
Street Setback (min.)	5 ft.	10 ft.	10 ft.
Side Yard Setback (min.) (1)	6 ft. or none	20 ft.	20 ft.
Rear Yard Setback (min.)	20 ft. or height of building whichever is less	20 ft.	20 ft.
Corner Setback (min.) (2)	10 ft.	10 ft.	10 ft.
On-Site off-street parking (min.)(3) (none required within 600 feet walking distance of public parking lot or parking lot district)	1 parking space for ea. 350 gross sq. ft. of ground floor building area. One parking space for ea. 600 gross sq. ft. of building area above ground floor.	Same as LBI	1 parking space for ea. 250 gross sq. ft. of ground floor building area. One parking space for ea. 400 gross sq. ft. of building area above the ground floor.
Floor Area Ratio (max.)	1.50	1.05	1.05
Lot Coverage (max.)	(no max.)	35%	35%

- NOTES:
- (1) Adjacent to residential districts, no less than building height or 20 feet, whichever is greater.
 - (2) Corner setback in Section 5 shall mean that no part of a building shall be built closer to the point of intersection of right-of-way lines than the permitted distance.
 - (3) Part or all of the required parking may be located off the lot so long as it is provided in a lot in common ownership within 600 feet walking distance of the building it is intended to serve and located in a business district.

(c) Any structure used partly or wholly for dwelling purposes, except as specified under paragraph q Section 2, shall conform to Section 4, paragraphs (b), (c), and (d) of the Zoning By-Laws."

Article XXVI
Cont.

Added
Mar 23, 1970

Approved
July 9, 1970

Posted
July 17, 1970
in accordance
with Chap 40,
Sec 32

SECTION 5A - APARTMENT HOUSE DISTRICT

In an apartment house district,

(a) No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used for any other purpose than the following including incidental uses:

(1) An apartment house of no less than five dwelling units subject to the following conditions and restrictions:

(b) (1) There shall be at least 1200 square feet of lot area for each dwelling unit and in any event the minimum lot area shall be two acres;

(2) All buildings shall not occupy more than thirty (30) per cent of the total lot area;

(3) There shall be a minimum of at least 750 square feet of gross floor area, excluding only garages and uninhabited basements, for each dwelling unit;

(4) The minimum width of a lot at any point shall be at least 100 feet and the minimum frontage of a lot on the street shall be at least 100 feet in each case;

(5) No building shall be within thirty (30) feet of any side line or the rear line of the lot or within thirty (30) feet of the side line of any street on which the lot abuts;

(6) The maximum height of any building on the lot shall be sixty (60) feet;

(7) Parking space for automobiles at the rate of 1.5 spaces per dwelling unit shall be provided in the side yard or in the rear yard of the lot, or enclosed within the building. Each space including access ways shall not be less than 320 square feet.

(8) The front yard and side yard and any other areas to be landscaped shall be done attractively with lawns, trees, shrubs and other plantings. Any landscaped areas shall be properly maintained in a sightly and well-kept condition.

*Amended
May 6, 1974*

(9) A Special Permit shall be required for any construction in an Apartment House District in accordance with the procedures as set forth in Section 8 of this By-Law.

SECTION 5B - SPECIAL REGULATIONS FOR
PLANNED AREA DEVELOPMENT

Article XXVI
Cont.

Added
June 14, 1973

Approved
Oct 23, 1973

Posted
Oct 26, 1973

- (a) Multiple-unit residential use within a Planned Development Area containing townhouses (row-houses) or garden apartments or any combination of the two is permitted in an LBIII district, subject to the following regulations:
- (1) A Special Permit shall be obtained from the Board of Appeals in accordance with the procedures set forth in Section 8 of this zoning by-law.
 - (2) The Planned Development Area shall be located within an LBIII district, but may extend into an adjacent, contiguous General Residence district provided that not more than 20% of the land area of the Planned Development Area is within the General Residence district.
 - (3) Application for a Planned Development Area may include the property of one or more owners, provided that the owners of all land within the Planned Development Area shall agree in writing at the time of application to follow the plan if approved.
 - (4) The Planned Development Area shall comply with the dimensional controls set forth in the table below, which shall supersede the dimensional controls set forth for the LBIII district and the General Residence district

Article XXVI

Cont.

only when applied to a Planned Development Area.

Min. Lot Size 18,000 sq. ft.
Max. Bldg. Height 30 feet
Min. Lot Frontage 150 feet (1)
Min. Lot Width 50 feet
Min. Street Setback 10 feet

Min. Side and Rear Building Setback

1/2 height of building; in no case less than 10 feet

Min. On Site Required Parking

1.25 parking spaces per dwelling unit of less than two bedrooms; 1.5 parking spaces per dwelling unit of two or more bedrooms; no less than one parking space will be provided for each unit either within the structure or within a separate structure. No exterior parking area may be forward of building line along any street. Exterior parking will comply with all dimensional and setback requirements as set forth for parking lot districts (Section 4A of the Zoning By-Law).

Max. Floor Area Ratio

1.0

Max. Bldg Coverage

35%

Max. Lot Depth from frontage street

120 ft. (1)

Min. Dwelling Unit Size

750 sq. ft.

Min. Land Area per dwelling unit

2000 sq. ft. or 80% of the average land area per unit for all residential properties contiguous with the Planned Development Area, whichever is greater.

Min. Required Open Space per dwelling unit

500 sq. ft. which may contain landscape materials, pedestrian walks and patios, but which shall not be occupied by driveways or parking spaces.

Min. Separation between buildings on site

Buildings within Planned Development Area shall conform to Dwelling Group Requirements as specified in Section 2, paragraph (r.) of the Zoning By-Law.

NOTES: (1) Min. lot frontage and max. lot depth requirements apply only to Trapelo Road; Belmont Street and Lexington Street which are designated as frontage streets for Planned Development Areas in LBIII districts.

SECTION 6 -- GENERAL BUSINESS
DISTRICT

Article XXVI
Cont.

In a general business district a building or structure may be erected, altered or used for any purpose provided that:

(a) No building or structure shall be erected, altered or used for any trade, industry or use which by reason of the emission of odor, fumes, dust, smoke, vibration or noise, or any other cause is injurious, noxious, offensive or detrimental to a neighborhood.

Amended

May 6, 1974

(b) Setback, yard and height requirements shall be as prescribed in Section 5 for Local Business I District.

SECTION 7 - NON-CONFORMING
BUILDING AND USES;
ACCESSORY USES

Article XXVI
Cont.

1st line amended
Mar 16, 1970
Approved
July 9, 1970
Posted July 17,
1970, in accord-
ance with Chap
40, Sec 32

(a) Any lawful use of land, building or part thereof at the time of the adoption of this By-Law or any amendment thereto may be continued although such use does not conform to the provisions of the By-Law. Any building occupied by a non-conforming use may be structurally altered

provided that the Board of Appeals determines by the grant of a special permit that such alteration is not substantially more detrimental to the neighborhood than the existing non-conforming use except where alteration to a non-conforming single or two family dwelling does not increase the non-conforming nature of the dwelling.

A non-conforming ~~or the use of such~~ ^{in a} building *may be* changed to any other use not more detrimental to the character of the district in which it is located. Should any non-conforming building occupied by a non-conforming use be destroyed or damaged by fire or other casualty, in whole or in part, it may be replaced by a building to be used for the same purpose as the one destroyed or for any other non-conforming use, always provided that any new use to which the building may be put shall not be more detrimental to the character of the district in which it is located than was the original use, and also provided that such reconstructed or new building shall not exceed in cubic contents the original building by twenty-five per cent.

Amended
March 14, 1966

A non-conforming use of a building or land which has been discontinued shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered discontinued when the premises have been devoted to a conforming use, or when the premises have been vacant for a period of ~~one~~^{two} years or the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ~~one~~^{two} years.

- (b) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good."

SECTION 8 - BOARD OF APPEALS

Article XXVI
Cont.

Amended
Mar. 26, 1973

Approved
July 9, 1973

Published
July 11, 18,
25, 1973

(a) There shall be a Board of Appeals in the town, to consist of six regular and three associate members to be appointed by the Board of Selectmen. All members shall be residents of the town. In making the appointments, the Board of Selectmen shall consider those persons best qualified to carry out the statutory responsibilities of the Board. Where possible, the Board shall consist of members some of whom are professionally qualified and experienced in the one or more of the following professional fields: law, architecture, engineering, or construction. Initially, the six regular members shall be appointed for terms of one, two, three, four, five and six years respectively. Thereafter, one regular member shall be appointed each year for a term of six years. Associate members shall be appointed initially for terms of one, two, and three years respectively. Thereafter, one associate member shall be appointed each year for a term of three years.

(b) The regular members shall annually elect from their number a chairman. Whenever the chairman is unable to sit by reason of absence, inability to act or interest, the remaining regular members shall elect an acting chairman who shall assume the duties of the chairman and shall serve until the permanent chairman resumes his duties or until the next annual election

of a permanent chairman. If there is a vacancy among the regular members, or if a regular member is at any time unable to act by reason of absence, inability or interest, an associate member shall be designated by the chairman, or the acting chairman, to serve in his stead.

(c) Any member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. No regular nor associate member of the Board of Appeals shall represent before such board any party of interest in any matter pending before it.

Amended
Mar 16, 1970

Approved
July 9, 1970

Posted
July 17, 1970
in accordance
with Chap 40,
Sec 32

The Board of Appeals shall give notice of hearings as required by Section ~~17~~¹¹ of said Chapter 40A as it may be amended from time to time, and shall send notice in writing to the owners of property within five hundred feet of the premises as they appear on the most recent tax list.

The Board of Appeals may grant a permit for a temporary building incidental to the development of a neighborhood, such permit to be for not more than one year and only upon application accompanied by a bond to the town, effective in case the building is not removed prior to the expiration of the permit. Such permits may be ordered renewed by the Board for successive periods of not more than one year each.

Amended
May 6, 1974

(d) DESIGN AND SITE PLAN REVIEW PROCEDURE

- (a) The objectives of the design and site plan review procedure shall be to:
- (1) determine that the specific site is an appropriate location for the proposed use, structure or condition.
 - (2) determine that the use as developed will not be detrimental or injurious to the neighborhood.
 - (3) determine that there will be no nuisance or serious hazard to vehicles or pedestrians.
 - (4) determine that adequate and appropriate facilities will be provided for the proper operation of the proposed use.
 - (5) determine that the height and bulk of the proposed buildings will not be injurious to surrounding property.
 - (6) determine that grading, drainage, lighting, planting and other exterior construction features meet a high standard of design in the interests of the safety, convenience and welfare of the public.
- (b) A two-step procedure for submission and approval of site plans shall be required for the following multiple-building uses:

Townhouses and Garden Apartments in a Planned Development Area.

Apartment in an Apartment House District.

The following requirements procedure shall apply:

- (1) The Conceptual Stage - The application for a Special Permit shall include but not be limited to the submission of the following material to the Board of Appeals in two or more copies.
 - a. General site plan showing proposed relationship of buildings, open space, roads, parking areas, walls, and surface drainage courses. Adjacent public or private roads and trunk utility lines intended to service the site shall be shown, as shall all adjacent structures. Such site plan shall be drawn at a scale not smaller than twenty (20) feet to the inch.

- b. Site sections and outline building elevations in each of two views perpendicular to one another, at a scale not smaller than twenty (20) feet to the inch.
- c. A written statement of the proposal including: the number and size of dwelling units, number of parking spaces, square footage of site, buildings, and open space not occupied by driveway or parking. The Board of Appeals may, at its discretion, require that the written statement include an estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public services needs.

After a public hearing, and within sixty (60) days of such hearing, the Board of Appeals shall issue a Conditional Approval if it determines that the objectives as stated in (a) above are satisfied. The Board of Appeals may, at its discretion, set conditions to assure compliance with the objectives.

The Board of Appeals shall refer all applications for Special Permits to the Planning Board for review and shall not make a decision on any application until a recommendation is received from the Planning Board, provided that such recommendation is made within 30 days of the date of the public hearing.

(2) The Preliminary Plan Stage - After Conditional Approval of an application for a Special Permit, but prior to issuance of a Building Permit, the petitioner shall submit the following to the Board of Appeals in two or more copies.

- a. Detailed site plan or plans showing: buildings, roads, walks and other open space. All land use shall be designated. All landscaping and site development details, including walls, fences, planting, outdoor lighting, street furniture and ground surface materials, shall be indicated. Boundary streets and points of vehicular and pedestrian access shall be shown indicating proposed new paving, planting and lighting by the Town and existing right-of-way development which is to remain.

All utilities, easements or service facilities, insofar as they relate to work or services provided by the Town or by others, shall be shown.

Proposed site grading, including typical existing and proposed grades at parcel lines shall be shown.

There shall be a clear indication of those areas of the site that are proposed to be developed by others, and of easements to be provided.

- b. All building plans, sections, and elevations at 1/8" to 1'0" or other sufficiently large scale.
- c. Outline specifications for materials and methods of construction.

The Board of Appeals shall not issue a Special Permit unless it determines that the material in (2) a. through c. above reflects a logical and consistent development of the plan for which Conditional Approval has been issued.

The effect of the Special Permit shall lapse if construction does not commence within two years of the issuance of the Special Permit.

- (c) All other uses requiring a Special Permit under the terms of this By-Law, whether in a newly constructed building or in existing buildings to be renovated or expanded, will be subject to a one step procedure for submission and approval of the Board of Appeals, as follows:
 - a. Submission of general site plan showing proposed location of building(s), open space, roads, parking areas, service areas, walls, planting and surface drainage courses. Adjacent public or private roads and trunk utility lines intended to service the site shall be shown, as shall all adjacent structures. Such site plan shall be drawn at a scale not smaller than twenty (20) feet to the inch.
 - b. Site sections and outline building elevations in each of two views perpendicular to one another, at a scale not smaller than twenty (20) feet to the inch.
 - c. A written statement of the proposal including: number of seats or table capacity for restaurants, clubhouses, or places of public assembly, anticipated number and frequency of events at clubhouses, places of public assembly, or anticipated pupil enrollment and use schedule for schools for profit, number of parking spaces, square footage of site, buildings, and open space not occupied by driveway or parking. The Board of Appeals may, at its discretion, require that the written statement include an estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public services needs.

After a public hearing, and within sixty (60) days of such hearing, the Board of Appeals shall issue approval or denial of the Special Permit depending on a determination that the objectives as stated in (a) above are satisfied. The Board of Appeals may, at its discretion, set conditions to assure compliance with the objectives.

The Board of Appeals shall refer all applications for Special Permits to the Planning Board for review and shall not make a decision on any application until a recommendation is received from the Planning Board, provided that such recommendation is made within 30 days of the date of the public hearing.

~~Above changes to Zoning By-Law approved~~

~~Town Meeting May 6, 1974~~

~~Attorney General August 22, 1974~~

~~Posted August 27, 1974~~

- (e) The Board of Appeals shall act as a permit granting authority and a special permit granting authority and shall have the following powers in accordance with the provisions of General Laws, Chapter 40A and this By-Law:

Appeals - To hear and decide an appeal taken by any person aggrieved by reason of his (her) inability to obtain a permit or enforcement action from the Building Inspector under the provisions of General Laws, Chapter 40A and or this By-Law, by the Metropolitan Area Planning Council or by any person including an officer or board of the Town of Needham or of an abutting town aggrieved by an order or decision of the Building Inspector in violation of any provision of General Laws, Chapter 40A or of this By-Law.

Special permits - To hear and decide an application for a special permit, as provided in this By-Law, only for uses in specified districts which are in harmony with the general purposes and intent of this By-Law and which shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards and limitations on time and use. A special permit shall lapse within a two-year period or a shorter period if so specified by the Board including any time required to pursue or await the determination of an appeal pursuant to General Laws, Chapter 40 A. Section 17, if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun within the period except for good cause.

Variances - To hear and decide a petition with respect to particular land or structures for a variance from the terms of this By-Law, including a variance authorizing a use or activity not otherwise permitted in a particular zoning district, where the Board specifically finds that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law. The Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguard or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the authorization, they shall lapse and may be reestablished only after a new notice and hearing.

- (f) An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Building Commissioner, by the Metropolitan Area Planning Council and by any person including an officer or Board of the Town or of any abutting town aggrieved by an order or decision of the Building Commissioner in violation of any provision of this By-Law.

In the case of every appeal made to the Board of Appeals and every application for a special permit or a variance to said Board under the provisions of this By-Law, the Board shall hold a public hearing thereon. Notice of the hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting said notice in the Town Hall for a period of not less than fourteen days before the day of the hearing. Notice shall be sent by mail, postage prepaid, to parties in interest including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred feet of the property line including owners of land in another municipality all as they appear on the most recent applicable tax lists, the planning board and the planning board of every abutting municipality. The assessors shall certify to the Board the names and addresses of the parties in interest.

In the case of an appeal from a decision of the Building Commissioner and a variance, a petition shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five days of the receipt of the petition from the Town Clerk and shall render a decision within seventy-five days from the date of filing. Failure by the Board to take final action upon a petition within the said seventy-five day period shall be deemed to be a grant of the appeal or the variance applied for.

In the case of a special permit, an application shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five days of the receipt of the application and shall render a decision within ninety days from the date of the public hearing. Failure to take final action within the said ninety day period shall be deemed to be a grant of the permit applied for.

SECTION 9 -- ENFORCEMENT

Article XXVI
Cont.

(a) The Inspector of Buildings shall enforce this By-Law in manner and with powers similar to these practised or provided under Article XXII of the By-Laws. No permit shall be issued for the erection, alteration or moving any building or part thereof, plans and intended use for which are not in conformity with the provisions of this By-Law.

(b) It shall be unlawful to use or permit the use of any building or part thereof hereafter erected or altered or the open spaces of which are in any way reduced until the Inspector of Buildings shall have certified on the building permit that the building or part thereof so erected or altered, the proposed use thereof and the open spaces thereof conform to the provisions of this By-Law.

(c) The Chief of the Fire Department shall refer to the Inspector of Buildings all violations of this By-Law that are discovered in the course of inspections by his department or otherwise.

~~(d) The penalty for violating any of the provisions of this By-Law shall be twenty (20) dollars for each offense.~~

(d) Any person violating any provision of this By-Law shall be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. Each day that any violation continues shall constitute a separate offense.

(e) Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction authorized by the permit is commenced within a period of not less than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

SECTION 10 -- APPLICATION;
VALIDITY;
REPETITIVE PETITIONS

Article XXVI
Cont.

Amended
Apr. 13, 1925

Approved
May 2, 1925

Published
May 9, 16, 23,
1925

(a) This By-Law shall not interfere with or annul any By-Law, rule, or regulation provided that unless specifically stated herein where this By-Law is more stringent it shall control.

(b) Nothing herein shall prevent the restoration of a wall declared unsafe by the Inspector of Buildings nor the erection of iron fire escapes on any buildings existing at the time this By-Law goes into effect.

(c) The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

(d) No proposed change in this By-Law which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change had been recommended in the final report of the Planning Board to the Town Meeting.

(e) No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals shall be acted favorably upon within two years after the date of final unfavorable action unless (1) all but one of the members of the Planning Board finds specific and material changes in the conditions upon which the previous unfavorable action was based and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered consents to a rehearing and (2) the Board of Appeals similarly finds and consents.

SECTION 11 - AMENDMENTS;
EFFECTIVE DATE

Article XXVI
Cont.

Amended
Mar. 23, 1926

Approved
Mar. 29, 1926

Published
Apr. 2, 9, 16, 1926

~~It shall be the duty of the Planning Board upon petition signed by the owners of forty per cent in assessed valuation of the property contained in any given district or of all the owners in any part thereof containing not less than two contiguous acres, or upon its own initiative from time to time, to hold a public hearing, fourteen days' published notice of which shall be given, for the consideration of amendments altering the boundaries of any district hereby established, or the regulations hereby applied to the same, and to submit to the Town for action its recommendations in regard to the same.~~

This By-Law may be amended from time to time at an annual or special town meeting. An amendment may be initiated by the submission to the Board of Selectmen of a proposed change by the Board of Selectmen, the Board of Appeals, an individual owning land in the Town to be affected by the amendment, registered voters of the Town pursuant to G. L., Ch. 39, S. 10, the Planning Board and the Metropolitan Area Planning Council. Within fourteen (14) days of the receipt of a proposed change, the Board of Selectmen shall submit it to the Planning Board. A public hearing shall be held by the Planning Board within sixty-five (65) days after the proposed change is submitted to the Board.

Amended
April 25, 1927

Approved
Aug. 3, 1927

Published
Sept. 17, 24,
& Oct. 1, 1927

Any Petition for the alteration of the boundaries of any zoning district shall be accompanied by an accurate plan, size 20 in. x 30 in., on the scale of either forty feet to the inch or eighty feet to the inch showing the changes proposed by the petition. The Planning Board in its report to the Town on any petition to alter the boundaries of any zoning district or on its own initiative shall file with the

Article XXVI
Cont.

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

~~So much of this By-Law as is approved by the Attorney General shall go into effect upon its publication as required by law.~~

The effective date of an amendment to this By-Law shall be the date on which such amendment was adopted by a favorable two-thirds vote of Town Meeting subject to its publication in a town bulletin or pamphlet and posting or its publication in a newspaper as provided in Chapter 40, General Laws, Section 32.