

# **CUSHING SQUARE OVERLAY DISTRICT**

## ***RULES AND REGULATIONS***

Adopted pursuant to M.G.L. Ch. 40A, Sec.9

July 9, 2008

### **ARTICLE I. AUTHORITY**

Pursuant to Section 8.1.5 of the Belmont Zoning By-law, the Planning Board has Design and Site Plan Review authority for all development projects in the Cushing Square Overlay District (CSOD), and is also the Special Permit Granting Authority (SPGA) for CSOD developments requiring a special permit. In accordance with its authority under Sections 8.1, 8.5 and 8.6 of the Zoning By-law, and under G.L. c. 40A, §9, the Planning Board hereby adopts these Rules and Regulations to govern all applications for Design and Site Plan Review and special permits for CSOD developments. These Rules and Regulations shall take effect on July 10, 2008.

### **ARTICLE II. APPLICATION SUBMISSION REQUIREMENTS**

#### **SECTION 1. FORM**

Applications to the Board for approval of projects under the CSOD regulations shall be made on the official application form (Attached). Application forms are available in the Office of Community Development and on the Town's official website. No application shall be considered complete unless accompanied by all of the information required under Section 8.3 of the Zoning By-law and Section 4 of these Rules and Regulations, and by the fee specified in Section 3 of these Rules and Regulations.

#### **SECTION 2. FILING**

Applications for Design and Site Plan Review for development projects in the CSOD shall be filed with the Office of Community Development at least ten (10) days prior to a regularly scheduled Planning Board meeting. The date of the Planning Board's meeting shall be considered the date of the submission of the application. The Planning Board (or its designee) shall review the application for completeness and shall notify the Applicant within thirty (30) days of the submission as to whether the application is complete, and if not, what items are missing. Notice of the public hearing on such an application will not be published until the Planning Board (or its designee) has determined that the application is complete or the application has been deemed complete due to the Planning Board's failure to notify the Applicant within thirty (30) days of submission. A complete (or deemed complete) application for Design and Site Plan Review must accompany any special permit application filed for a development project in the CSOD (See Section 2.B below).

Special Permit applications for development projects in the CSOD shall be filed in the Office of the Town Clerk. Each such application shall be accompanied by a complete application for Design and Site Plan Approval. The Applicant shall forthwith file thirteen copies of the Special Permit application, including all accompanying documents and a certification by the Town Clerk of the date and time of filing, with the Office of Community Development. The Office of

Community Development shall refer the entire application package for technical review and comment as required under Section 7.4.4 (b) of the Zoning By-law.

### SECTION 3. APPLICATION FEE

The total application fee for approval of projects under the CSOD regulations shall be \$725 and is calculated as follows: \$600 for administrative expenses and \$125 for legal advertisements. Two checks, each made out to the 'Town of Belmont', for the respective charges are required.

### SECTION 4. CONTENTS

Each CSOD application shall include **THIRTEEN (13) COPIES** of the following information in addition or supplemental to the required submissions material specified in Section 8.5 of the Zoning By-Law. Waivers to the below required plans shall be submitted in writing with the application for the application to be considered complete.

1. **EXISTING CONDITIONS PLAN** (scale: 1"=20') prepared and stamped by a professional engineer (P.E.) or a professional land surveyor indicating boundaries of the lot, existing buildings, roads, drives, parking, existing topography.
2. **DETAILED SITE PLAN OR PLANS** (scale: 1"=20') prepared and stamped by a professional engineer (P.E.) or a Registered Architect or Landscape Architect indicating the following information:
  - a. new buildings, additions, adjacent structures, streets, sidewalks, bus stops, crosswalks, utilities, and easements or service facilities,
  - b. points of vehicular and pedestrian access/egress,
  - c. site grading, including existing and proposed grades at property lines.
  - d. parking plan or layout including accommodations for bicycles,
  - e. lighting plan,
  - f. landscaping, and signage plan
  - g. proposed treatment of public spaces including lighting, street furniture, paving and ground surface materials,
3. **FLOOR PLANS AND BUILDING ELEVATIONS** or drawings (scale: 1/8" = 1' or as appropriate) prepared and stamped by a registered architect of all existing and proposed structures.
4. **WRITTEN STATEMENT** describing the proposal, its potential impacts on abutters and the neighborhood, and proposed mitigations, including the following information (be as specific as possible):
  - a. hours of operation,
  - b. number of parking spaces including proposed location for bicycle parking,
  - c. estimated peak hour vehicle trips to and from the site,
  - d. the square footage of the site and buildings,
  - e. number of seats for restaurants, clubhouses, or places of public assembly,
  - f. potential impacts on open spaces and school system (estimated number of children), and
  - g. anticipated number and frequency of events at clubhouses, places of public assembly,

5. **THE PROPOSED METHOD OF STORMWATER REMOVAL** prepared by a professional civil engineer accompanied by calculations for a 20-year storm event. All efforts shall be made to meet the most current Department of Environmental Protection Stormwater Management Design Guidelines.
6. **AN ESTIMATE OF MUNICIPAL REVENUES AND COSTS** expected to be generated by the project, including anticipated real estate valuation and public service needs may, at its discretion, be required by the Planning Board.

### **ARTICLE III. PROJECT REVIEW CONSIDERATIONS**

#### **SECTION 1. INFORMAL DISCUSSION**

Applicants are encouraged to meet with OCD staff planners, abutters to the proposal and informally with the Planning Board to discuss the proposal prior to submittal. Any such meetings are intended to provide guidance but are in no way binding or indicative of future actions by the Planning Board

Applicants desiring to meet informally should present the following information:

1. A conceptual development plan, indicating boundaries of the lot, proposed buildings, roads, drives, parking, reserved open space, existing topography and proposed grading, areas of retained vegetation and proposed planting areas, and a locus plan showing relation to nearby streets, zoning district boundaries, and residential properties.
2. Floor plans and elevations of all existing and proposed structures.
3. Materials indicating the proposed ultimate floor area in each use; time schedule for development; service improvements proposed at the developer's and those anticipated at the Town's expense.
4. An estimate of peak hour vehicle trips onto and off of the site.
5. Analysis indicating degree of consistency with each of the considerations of Section 8.3 of the Cushing Square Overlay District zoning by-law.

Applicants are encouraged to provide a study model of the proposal for display prior to and at discussions.

#### **SECTION 2. PEER REVIEWS**

Professional review services may be required by the Planning Board during a review of any application. Such reviews may include analysis of traffic impacts, proposed storm water management, sewerage analysis, fiscal impacts and economic analysis or other analyses/reviews as determined by the Planning Board. This provision is adopted pursuant to Section 53G, Chapter 44, MGL and as such, the review shall be at the sole expense of the applicant.

1. **Consultant Selection & Requirements**
  - A. The Planning Board shall develop a Scope of Work for professional review services. This Scope may be coordinated with other boards and/or professional staff. Upon the completion of the Scope of Work including an estimated cost, the Board shall follow the regulations established under MGL Ch. 30b for procurement of consultant services. The Board shall review all responses and choose the optimum proposal.

- The selected consultant must have an educational degree in or related to the field at issue, or
  - Have three or more years of practice in the field at issue, and
  - Provide suitable references for similar activities in other communities.
- B. The applicant may appeal the selection of the consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon the application shall be extended during the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
- C. The applicant will be required to make a payment to the Town of Belmont in the exact sum of the proposal selected. This money shall be placed in a separate, interest bearing escrow account administered by the Town Treasurer pursuant to Section 53G, Chapter 44, MGL.

### SECTION 3. DESIGN

The Zoning Bylaw delineates design attributes to which these Design Rules and Regulations give further definition. It is the intention of these Rules and Regulations to provide ideas for consideration as part of the site plan review process. It is not the intention to provide deterministic compliance criteria, but rather make certain concepts and design strategies more explicit, to allow a collaborative process between developers and the Planning Board, such that the Board may incorporate concepts and “vision” expressed in master planning efforts in site plan and special permit decisions affecting properties in the Town. Design review should be limited to the scope of the project.

1. **Buildings:** Exterior architectural appearance should be defined as the architectural character and general composition of the exterior of a building, including but not limited to the kind, color, and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.
  - a. Exposed foundation walls should be minimized, softened by landscaping and architectural design.
  - b. All utilities on and around buildings should be screened appropriately. All roof utilities are required to be screened.
  - c. Architectural details include trim and shutter elements.
  - d. Roof trim should have depth and consistency of lines. Corner elements at gable ends may project.
  - e. Molding and trim should be used to decorate or finish a surface of buildings and doors.
  - f. Siding should be wooden clapboard, wood shingle, stucco, stone or brick. Faux materials which imitate the look and appearance may be considered.

- g. Roofs should be clad in architectural grade shingles, wood shingles, or slate. Faux materials which imitate the look and appearance may be considered.
  - h. Colors should be used to enhance the design of the structure, and be compatible with colors that blend with or complement the neighborhood. Neon colors and bold colors should not be used.
  - i. A variety of roof treatments should be considered. Roof treatments should be responsive to the neighboring residential context and in harmony with the existing architectural context.
  - j. Upper-story windows should have the appearance of divided lites. A single pane look is not preferred. First floor window size and detail should be harmonious with the scale of the structure.
  - k. The pane size in the window should be harmonious with the scale of the structure.
  - l. Roll-down security gates over first floor windows should be avoided.
2. Site: The appearance of a site should be defined as the character, layout and general composition of the site, including but not limited to the kind, color, and texture of such materials as plantings, paving, benches, site lighting, signs, utility structures and all other appurtenant elements.
- a. Buildings should acknowledge the uniqueness of their location, their building neighbors, their proximity to adjoining residential neighborhoods, and the natural setting. Adjoining buildings may use courtyards or plantings to relate to each other. Where appropriate, natural features such as existing trees and vegetation, should be utilized in the site design.
  - b. The use of fencing to separate public and private space, to mark property lines, or to protect plantings from traffic, should be chosen to harmonize with nearby structures. Picket fences and stone walls are suggested over concrete walls, chain link fences, and stockade fences, as the latter do not enhance the visual effect and are not appropriate to routes of pedestrian or vehicular travel. Stockade and lattice topped fences are appropriate for screening of dumpsters and similar waste receptacles, HVAC and mechanical support systems, service entrances, and related areas.
  - c. All curbing onsite should be vertical granite. All sidewalks should be cement concrete.
  - d. Bicycle usage should be encouraged and accommodations provided. Recommended location for bicycle parking accommodations, both short- and long-term, is within the projects designated parking area or open space.
  - e. Wall mounted signage with awnings as specified in Section 8.3.3B)4 of the Zoning By-Law is preferred. Alternative approaches to signage may be proposed subject to Section 5.2 of the Zoning By-Law.
3. Lighting: Understanding that safety and security are important elements, lighting should be recessed and discrete fixtures that do not glare onto abutting properties or adjoining public or private streets.
4. Landscaping: Abundant, well chosen, and well maintained plantings and landscaping should become a notable theme to be reinforced throughout the CSOD. Outdoor gathering places

close to open spaces, shops, and residences should provide benches, and plantings that reflect the natural surroundings.

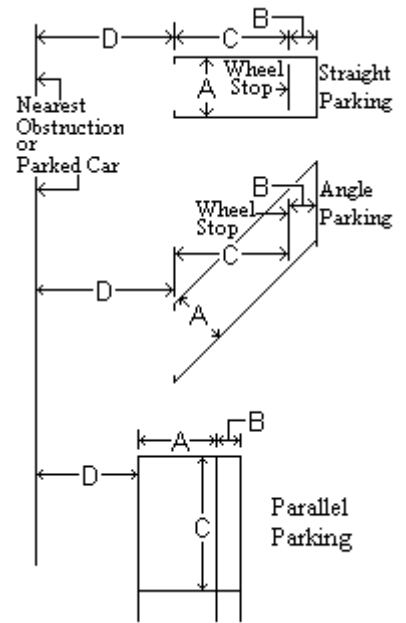
- a. It is recommended that structures include window boxes or plant shelves for lower floor windows and facades. Flower baskets hung from lighting posts should also be considered.
- b. Landscaping should be used to strengthen or buffer the visual relationship with the surrounding area. Existing natural features should be assessed for incorporation within open space areas.
- c. Landscaping should be designed with consideration of nearby building, walkways, and parking areas. Walkways should be located to account for most probable access routes. Parking lots should be designed with landscaped islands within them, and islands between buildings, roads, and walkways should be abundantly planted to create a strong horticultural character throughout the year.
- d. Planting scheme should add to the attractiveness of the environment and demonstrate civic pride.
- e. In order to contribute to the attractiveness of the streetscape, consideration should be given to providing amenities such as street trees, benches and planters along the site's frontage, using the general standard of:
  - One (1) Street Tree for every 25 feet of frontage, and
  - One (1) Bench or Planter for every 50 feet of frontage.
- f. Where heavy pedestrian traffic is anticipated, the landscaped surfaces should have durable surfaces: brick, pavers, slate, cobblestone or textured concrete (patterned or giving the appearance of other listed materials). Asphalt sidewalks are not acceptable. All dedicated pedestrian ways should meet the requirements of the Americans with Disability Act and the standards of the Massachusetts Architectural Access Board.
- g. All landscaping should be properly maintained in a healthy condition.

## **ARTICLE IV. PARKING**

### **SECTION 1. GENERAL STANDARDS**

PARKING: MINIMUM DIMENSIONS (refer to Diagram A)					
Angle	Auto Type	Stall Width (A)	Clearance (B)	Stall Length (C)	Aisle Width (D)
90° (shown on Diagram A)	Standard	9 feet	2 feet	17 feet	24 feet
	Compact	8 feet	2 feet	14 feet	24 feet
60°	Standard	9 feet	2 feet	18 feet	18 feet
	Compact	8 feet	2 feet	15 feet	18 feet
45° (shown on Diagram A)	Standard	9 feet	2 feet	16 feet	13 feet
	Compact	8 feet	2 feet	14 feet	13 feet
30°	Standard	9 feet	2 feet	14 feet	12 feet
	Compact	8 feet	2 feet	12 feet	12 feet
Parallel Parking	Standard	8 feet	3 feet	22 feet	13 feet
	Compact	7 ft. 6 in.	3 feet	18 feet	13 feet

Diagram A



**SECTION 2. SPECIFIC STANDARDS**

Compact Cars - In parking facilities where standard and compact cars are segregated, not more than one-third of the total stalls may be for compact cars, except that the Planning Board may authorize a larger percentage if the applicant submits survey data specific to his own case substantiating that higher percentage.

Compact car stalls should be located near the entrance to the use or the structure which the parking facility serves (except that handicapped parking comes first).

Compact car stalls must be identified with signs.

**SECTION 3. HANDICAPPED PARKING**

For handicapped parking standards see Massachusetts Architectural Access Board Regulations 521 CMR 3.00 published July 10, 1987, the uniform Federal Accessibility Standards, the ADA Accessibility Guidelines and all subsequent revisions.

Standards for handicapped parking are the same whether standard or compact cars are mixed or segregated.

**SECTION 4. DENSE PARKING**

In special circumstances, the Planning Board may authorize departure from these standards to allow tandem parking, as in the case of valet parking and parking provisions for large audience events where the entire audience will leave substantially at the same time, but only in cases where there is documented assurance of the permanence of the circumstances justifying the departure. Any occupancy permit granted on the basis of such authorized departure shall become invalid upon termination of the special circumstances.

# Town of Belmont Planning Board



## CUSHING SQUARE OVERLAY DISTRICT APPLICATION FOR PROJECT APPROVAL

Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_  
(please print)

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Address: \_\_\_\_\_

**ON A SEPARATE SHEET LIST ALL MEMBERS OF THE DEVELOPMENT TEAM (ARCHITECTS, CONSULTANTS, LEGAL, ETC) AND THEIR CONTACT INFORMATION.**

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) referenced above hereby apply for a

**SPECIAL PERMIT** and/or  **DESIGN AND SITE PLAN REVIEW**

for the erection or alteration on said premises or the use thereof under Section 8 of the Zoning By-Law of said Town on the grounds that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Brief Description of Proposed Project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE COMPLETE ATTACHED CHECKLIST AND SUBMIT WITH APPLICATION MATERIALS**



## APPLICATION CHECKLIST

- Application Form
- Written Description of Project
- Site Plans
- Floor Plans
- Building Elevations
- Stormwater Management Plan
- Lighting Plan
- Landscaping Plan
- Parking Plan
- Fees (2 checks)