

SECTION 6D. SINGLE AND TWO-FAMILY DWELLINGS IN THE GENERAL RESIDENCE ZONING DISTRICTS

Note: §6D was adopted under Article 14 at the 2014 Annual Town Meeting.

6D.1 Purpose

The purpose of this Section is to promote development of single and two-family dwellings that are compatible with the surrounding built environment in the General Residence Zoning Districts (GR).

6D.2 Use Regulation and Authority

Single and two-family dwellings in the General Residence Zoning Districts shall require Design and Site Plan Review from the Planning Board, pursuant to this Section and Section 7.3 of this Zoning By-Law.

The Planning Board shall be the Special Permit Granting Authority for all single and two-family dwellings in the General Residence Zoning Districts that require a Special Permit.

6D.3 Performance Standards

- a. Scale of Building. The building shall be sited and constructed in a manner that is consistent with the scale of other structures in the neighborhood through the use of appropriate massing, front setbacks, and other architectural techniques such as variation in detail, form and siting.
- b. Design of Building. The building shall be designed consistent with the prevailing character of buildings in the neighborhood including the use of appropriate materials and other architectural techniques such as style, roof design and pitch, window design, and color. Unless the Board finds that a different design is necessary to preserve the historic or architectural significance of an existing single-family dwelling (1) front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards; and (2) the front door accessing the second unit shall be setback no greater than 25% of the front setback of the unit closest to the street.
- c. Height. The height of the building should be compatible with the style and character of the buildings in the surrounding neighborhood.
- d. Proportions. The proportions and relationships of height to width between windows, doors, and other architectural elements should be compatible with the architectural style and character of the surroundings.
- e. Building and Driveway Siting. The building and driveway shall be sited so as to work with the natural topography of the site. Re-grading should be kept to a minimum and shall be in keeping with the general appearance of the neighboring developed areas. The development shall be integrated into the existing terrain and surrounding landscape and shall maximize retention of open space; and, minimize tree, vegetation and soil removal, blasting and grade changes. No more than one curb cut shall be allowed for lots with less than 70' of frontage; except in situations where the Applicant can demonstrate that the second curb cut is in harmony with the surrounding neighborhood.
- f. Circulation. Walkways, drives and parking shall be safe and convenient and not detract from the use and enjoyment of adjacent properties, sidewalks, and Town streets.

- g. Lighting. Exterior lighting shall be minimized and only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
- h. Open Space (landscape). The landscape shall be preserved in its natural state by minimizing use of any grade changes and vegetation and soil removal. The open space shall be as extensive as is practicable and the landscape shall be designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. Reasonable efforts shall be made to save significant trees and enhance the landscaping.
- i. Relation of Structures and Spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surrounding area.
- j. Screening. Objectionable features shall be screened from abutting properties. Consideration shall be given to the need for vegetated buffers. The larger the house, the greater the buffer that will be required.
- k. Drainage. The development shall comply with the Stormwater and Erosion Control By-Law (General By-Law Section 60-325).
- l. Street Trees. During construction, street trees shall be protected to insure their survival. The number and size of curb cuts shall be minimal to protect the roots of the trees. Construction vehicles and staging areas shall be kept away from the drip line of the trees. Where feasible, the addition of street trees is encouraged.
- m. Outdoor Mechanical Equipment. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot. Additionally, heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.

6D.4 Submission Requirements for Design and Site Plan Review

In addition to the documents required to be submitted pursuant to Section 7.3, each application for Design and Site Plan Review shall be accompanied by ten copies of the following:

1. Scale drawings showing proposed architectural elevations and sections,
2. A site plan showing property boundaries, existing and proposed grades, the location of all existing and proposed structures, driveways and driveway openings, existing and proposed lighting, existing and proposed landscape features both vegetative and structural.
3. Photographs or other readily available data concerning the location and size of structures on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the development under consideration.

The Planning Board may, in its discretion, waive any portions of the submission requirements or request additional information that directly relates to the purpose of this Section or to the Planning Board's evaluation of the applicable standards under Section 6D.4.

6D.5 Special Permit Standards

- a. An application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-Law.

- b. Special Permit Standards

Notwithstanding the provisions of Section 7.4.3, a Special Permit shall be issued if, upon submission of all required materials and documents and compliance with the procedures set forth in Section 7.4.4, the Planning Board finds that it is:

- 1) Generally in harmony with the neighborhood; and
- 2) Neither generates excessive traffic, parking, noise or density impacts on the abutters, or creates other detrimental effects on the neighborhood.

Such Special Permit shall be subject to any limitations imposed pursuant to Sections 6D.8 and 7.4.5.

- c. Factors to Consider in Special Permit Decision

In making any Special Permit decision pursuant to this Section, the Planning Board shall consider, in addition to those set forth in Section 7.4, the following:

1. Scale and design of the structure;
2. The siting of the structure and driveway;
3. Walkway, driveway and parking circulation;
4. Exterior lighting;
5. Open Space and screening; and,
6. Drainage.

6D.6 Single-Family Dwellings as an Alternative to a Two-Family Dwelling

Note: §6D.7 was adopted under Article 7 at the 2015 Annual Town Meeting.

In order to achieve the purposes of the General Residence Zoning Districts Zoning By-Laws [amended April 2014] of controlling density and preserving the character of the associated neighborhoods, as an alternative to the construction of a two-family dwelling on a lot that is equal to or greater than 8,000 square feet and that has lot frontage equal to or greater than 90 feet, the Planning Board may grant a Special Permit for the construction of two single-family dwellings.

6D.6.1 Standards for Single-Family Dwelling Alternative

Notwithstanding the 'Dimensional Regulations' contained within Section 4.2 of this Zoning By-Law, each of the lots and the proposed dwellings shall meet the following standards:

1. Each lot:
 - a. Shall be at least 4,000 square feet and have at least 45 feet of lot frontage; and

- b. Comply with Sections 4.3.1, 'Lot Width', and 4.3.10, 'Lot Shape', of this Zoning By-Law.
2. Each dwelling:
 - a. The open space shall not be less than 45%;
 - b. The length of the dwelling shall not exceed its width multiplied by 1.6 times;
 - c. The height shall not exceed 32 feet; and,
 - d. Each dwelling shall comply with the 'Performance Standards' listed in Section 6D.4.

6D.6.2 Factors to Consider

In granting a Special Permit to allow two single-family dwellings instead of a two-family dwelling, in addition to the applicable 'Special Permit Criteria' set forth in Section 7.4.3 of this Zoning By-Law, the Planning Board shall make the following findings:

1. The lot sizes and frontages of each lot on which the single-family dwellings will be constructed are comparable to those in the surrounding neighborhood;
2. The open space between and surrounding the dwellings is maximized;
3. Each dwelling is compatible with the surrounding neighborhood;
4. Each dwelling complies with the standards listed in Section 6D.7.1, 'Standards for Single-Family Dwelling Alternative'; and,
5. This development (the lots and proposed dwellings) shall meet the 'Special Permit Standards' outlined in Section 6D.6.

6D.6.3 Conditions of Approval

In addition to the conditions that the Board may impose in granting a Special Permit under Section 6D.8, Conditions of Approval, the Planning Board may impose additional conditions and safeguards that it determines to be appropriate to assure compliance with the standards set forth in Section 6D.7.1, including, but not limited to conditions:

1. Prohibiting the further division or reduction in size of the lots that the single-family dwellings will be constructed on;
2. Prohibiting the further enlargement of the single-family dwelling beyond the standards established in this Section;
3. Prohibiting lot coverage of more than 25%; and,
4. Maintaining open space of at least 45%.

6D.7 Conditions of Approval

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 appropriate to assure compliance with the applicable criteria set forth in this Section including, but not limited to conditions:

- a. Specifying the required number of on-site parking spaces and their location;
- b. Requiring installation of additional landscaping; and,
- c. Requiring a performance guarantee to insure preservation of street trees.

6D.8 Severability, Conflict with Other By-Laws

- 1) To the extent that a conflict exists between this By-Law and other By-Laws of the Town of Belmont, the more restrictive provisions shall apply.
- 2) If a court of competent jurisdiction holds any provision of this By-Law invalid, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this By-Law shall not affect the validity of the remaining sections or parts of sections or the other By-Laws of the Town of Belmont.

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