

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

*Note: §6G was adopted under Article 3 at the 2018 Special Town Meeting.*

### **6G.1 General**

#### **6G.1.1 Purpose**

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

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

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

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

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

The SPSOD shall be considered as overlaying other existing zoning districts. The SPSOD confers additional development options to be employed at the discretion of the property owner(s), subject to the requirements of Design and Site Plan Review in accordance with Section 6G.3. The Planning Board may waive some or all of the dimensional and parking requirements of this Section if, in its determination, such waiver will result in improved design.

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

## **6G.2 Uses**

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

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

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

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

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

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

1. A spouse, under 55 years of age, of an Occupant may reside in the Occupant's unit;
2. A spouse who survives the Occupant;
3. A spouse where the Occupant has moved out of the unit and into a long-term care facility;
4. A child, brother, or sister of an Occupant or spouse who has a mental or physical disability and is dependent upon said Occupant or spouse for daily care; or

*Note: §6G.2.2 was amended by Article 3 at the 2018 Special Town Meeting.*

5. A paid caregiver providing medical or health care to an Occupant or spouse.

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

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

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

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

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

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

6G.2.4 Existing Zoning District

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

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

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

6G.3.1 Performance Standards

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

a) Setbacks

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

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

b) Height of Structures

1. In Feet:

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

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

2. In Stories:

The maximum height of buildings is two stories.

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

c) Floor Area Ratio (FAR)

The maximum allowed FAR shall be 1.25.

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

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

6G.3.2 Parking Requirements

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

b) Reduction of Parking

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

1. Availability of shared parking on another property within 300 feet; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. The Planning Board may require a written shared parking agreement to be submitted as part of the Design and Site Plan Review application. The agreement shall address issues such as the times of use, maintenance, striping, and snow plowing of the shared parking area.
2. Uses within ½ mile of public transportation may be entitled to a 10% reduction in required parking.
3. Other factors supporting the reduction in the number of required parking spaces such as, but not limited to, staggered hours or other opportunities for shared parking among different uses.

c) Bicycle Parking

The following requirements apply to any new developments:

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

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

Assisted Living Facilities and Age-Restricted Housing Developments shall be exempt from the residential bicycle parking requirement, and instead shall provide one bicycle parking space per five vehicular parking spaces.

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

### 6G.3.3 Design Standards

#### a) General Guidelines

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

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

#### b) Building Design

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

##### 1. Scale

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

##### 2. External Materials and Appearance

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

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

3. Architectural Details

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

All mechanical systems shall be contained within the building.

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

4. Interior Layout for Age-Restricted Housing Developments

Dwelling units in Age-Restricted Housing Developments shall contain no more than two bedrooms. Any separate room in any unit which is not a living room or equipped kitchen and is shown on a plan as being for other than bedroom use but which, because of location, size, or arrangement, could be used or adapted for use as a bedroom shall be considered as a bedroom for purposes of this provision. No attic, loft, or other storage or similarly usable space shall be used as or altered to create bedroom space, nor shall the construction or other aspects facilitate such use or alteration.

5. Signs and Awnings

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

6. Vehicle and Pedestrian Features

Buildings and site plans should be designed to enhance the pedestrian environment and foster the creation of a walkable built environment along South Pleasant Street. The following vehicle and pedestrian guidelines apply to SPSOD development projects:

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

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

- a. Compatibility with the proposed building(s) and surrounding neighborhood with regard to architecture, size, scale, and intensity and mass;
- b. Promote a pedestrian-friendly street presence;
- c. Located to the rear or side of the primary structure such that the primary street frontage holds the principal building which then screens to the extent possible the parking structure;
- d. Access points whenever possible should be on the secondary or side streets, or accessed via a side driveway, versus the primary street frontage;
- e. All ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure;
- f. Exterior landscaping shall be provided to screen the structure;
- g. Avoid designing entire sides or substantial lengths of the parking structure walls to be open with no fenestration and avoid long runs of openings that do not conform to or replicate window patterns consistent with the primary building;
- h. Architectural articulation shall be on all sides of the parking structure and of materials compatible with the primary building; and
- i. Pedestrian warning devices should be located at all entrances and exits that intersect pedestrian walkways.

## 7. Lighting

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

- i. Exterior signs should have lights for visibility at night.
- ii. Landscaped paths and walkways should always be comfortably and safely lit. Consider low-placed lamps, wall sconces, and pedestrian-scale pole-mounted fixtures.
- iii. Awnings and canopies may be illuminated from within to make them glow at night.
- iv. Lighting shall be appropriately screened so as to prevent them from creating glare in the eyes of people on the sidewalks, in buildings, or in cars.
- v. Exterior light fixtures shall be shielded from view or blended into the building's lines. Decorative fixtures may be exposed as a design element.
- vi. Building entries and display windows shall be lit with warm-toned lighting.
- vii. To highlight landscaping, up-light into trees or strings of lights among branches may be required.

- viii. Electrical conduits shall be concealed within the moldings and lines of the building.
- ix. There shall be no flashing signs.

#### 8. Landscaping and Off-Site Improvements

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

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

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

- i. All site open space (yards, parking lots, setbacks) should be planned carefully, with appropriate plantings or landscaping. Open space shall be appropriately usable and open and may consist of landscaped gardens, plazas, sitting areas, sidewalks or similar features.
- ii. Open spaces may be utilized to break up a block of buildings in order to provide visual relief.
- iii. Street furniture shall be provided for public use.
- iv. Street furniture should be made of solid wood, metal, or recycled plastic lumber to ease maintenance.
- v. Trash receptacles shall be provided at all gathering places and properly maintained.
- vi. Window boxes, gardens, or hanging planters shall be located in appropriate locations.
- vii. Landscaping and plantings shall be maintained so as not to interfere with entry to stores or block visibility of signs, or sight lines for drivers exiting or crossing sidewalks.

*Note: §6G.3.3 b) 8. Vii was amended by Article 3 at the 2018 Special Town Meeting.*

- viii. Climate requirements, growth potential, and adaptability to the urban environment shall be considered when selecting plant types and species.
- ix. Landscaping shall be installed to screen dumpsters, transformers, air conditioning equipment, and other similar building equipment.

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

Any Applicant seeking Design and Site Plan Review or a Special Permit for a SPSOD development shall submit 10 copies of the application, and an electronic copy (e.g. pdf), in such form as the Planning Board may require which shall include the following:

- a) Development plans bearing the seal of a Massachusetts registered professional (architect, landscape architect, civil engineer, or similar professional as appropriate);
- b) Narrative description of the proposed work affecting the exterior of the building or structure, including a description of the materials to be used;
- c) Site plans and specifications showing total square footage and dimensions of all buildings and site improvements, including:
  1. New buildings, additions, adjacent structures;
  2. Streets, sidewalks and crosswalks;
  3. Existing and proposed open spaces, including, existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials;
  4. Points of vehicular and pedestrian access/egress;
  5. All utilities, easements or service facilities, insofar as they relate to the project; and
  6. Proposed site grading, including existing and proposed grades at property lines.
- d) A certified plot plan less than 6 months old;
- e) Architectural Layout Plans at a scale of  $1/8" = 1'$  or appropriate scale. All spaces within the proposal must be properly labeled and all dimensions must be clearly shown;
- f) Site perspective, sections, elevations  $1/8" = 1'$ ;
- g) Detailed description of the proposed use of the building, including hours of operation, numbers of employees, method and types of deliveries, etc;
- h) Summary of building statistics indicating the number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (affordable, handicapped, etc.), the maximum number of bedrooms, floor area, square footage of each dwelling unit;
- i) A proposed development schedule showing the beginning of construction, the rate of construction and development, including phases, if applicable, and the estimated date of completion;
- j) Detailed plans for disposal of sanitary sewage;
- k) Detailed plans for landscaping;
- l) Parking plan;
- m) Plan for lighting, including the type of fixtures, and the off-site overspill (foot candles) of the lighting;
- n) Signage plans;

- o) The proposed method of storm water removal accompanied by calculations for a 20-year storm event; and
- p) For Age-Restricted Housing Developments, the following are also required:
  - 1. All condominium deeds, trust or other documents that incorporate the applicable age restriction and comply with all federal, state, and local laws. Covenants and deed restrictions shall provide that the dwelling units shall be occupied by persons 55 years of age and older except for guest visiting for short duration not to exceed thirty days in a calendar year.
  - 2. The manner in which the Management Organization or Homeowners Association shall certify to the Town when any unit is sold or rented and that the provisions of this Section 6.G will be met.

The Planning Board may also require the following prior to acting on the application:

- i. Materials for the proposed buildings;
- ii. An estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public service needs; and

The Planning Board may request additional information necessary in their deliberations relative to the application for the Special Permit.

## **6G.5 Procedures**

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

Applicants for Design and Site Plan Review under this Section 6G shall pay a review fee in an amount to be determined by the Planning Board to cover the reasonable costs for the employment of any independent consultants to assist in the review of the application. Consultants shall be qualified professionals in the relevant fields of expertise as determined by the Planning Board.

Applications shall follow the procedures below and as specified in Section 7.3.3 of this Zoning By-Law. Where there is a conflict in procedures, those specified below shall prevail. The Planning Board, or its designee, shall review a submitted application for completeness and shall notify the Applicant within thirty days of its submission whether the application is complete or, if not, what items are missing. If the Planning Board fails to so notify the Applicant within such time, the application shall be deemed complete; provided that nothing herein shall be interpreted to limit the ability of the Planning Board to require additional information. The time for holding a public hearing shall not commence until the Planning Board has received a complete application.

An application for Design and Site Plan Review hereunder shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the objectives in this Section and all other requirements of this Zoning By-Law. The Planning Board may impose such reasonable conditions as it shall deem appropriate to assure the continuing consistency of the development project with the purposes of Section 6G.

Applications may be denied when:

- a) Applications are incomplete; or
- b) Proposed developments inconsistent with the standards and criteria set forth in Section 6G shall be denied in writing and shall set forth the reasons for denial.

Proposed amendments to approvals under this Section shall follow the procedures set forth for initial applications.

Notwithstanding any provisions of this Section 6G to the contrary, Design and Site Plan Review shall not be required for alterations or repairs to an existing building in a previously approved SPSOD development project that do not increase the height, bulk, or footprint thereof, that are not being performed to provide for its use for a substantially different purpose, and that do not violate the conditions contained within any prior Design and Site Plan Approval applicable to such building.

#### 6G.5.2 Special Permit Application

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

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

In granting a Special Permit under this Section, the Planning Board may impose such other conditions, safeguards, and limitations on time or use that it determines to be in compliance with the applicable criteria set forth in this Section including, but not limited to the following conditions:

##### a) Deed Restrictions

All dwellings in the development shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, the deed of the trust, master deed or articles of incorporation, or other document approved by the Planning Board that shall be recorded in the chain of title with the Registry of Deeds or Land Court. The age restriction shall limit the dwelling units to occupancy by seniors, age 55 or older; or their spouses of any age; provide for reasonable time-limit guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in the dwelling unit together with a senior resident, if the Planning Board so approves and specifies in its Special Permit. Except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two-year exemption shall be allowed to facilitate the transfer of dwelling units to another eligible household. Deed restrictions, including age restrictions, shall run with the land in perpetuity and shall be enforceable by an association of owners or any owner(s) of dwelling units in the Development and by the Town of Belmont.

Furthermore, the continuing observance and enforcement of the age restriction described herein shall be a condition of compliance with the SPSOD. Exceptions to this requirement shall be allowed only in the case where eligible residents are deceased, and there is no surviving eligible residents, and the units are owned and occupied by the deceased eligible residents' surviving spouse.

##### b) Local Preference

The Planning Board shall require that Belmont residents be given preference in the purchase or rental of dwelling units within the SPSOD. Such preference shall be for thirty percent of the dwelling units in the development and shall be for at least one year from the issuance of the first Certificate of Occupancy for any residential building or portion thereof.

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

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

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