

## **SECTION 6H. BELMONT UPLANDS DISTRICT**

*Note: §6H was amended by Article 9 at the 2020 Special Town Meeting.  
§6H was adopted under Article 5 at the 2002 Special Town Meeting.*

### **6H.1 Allowed Uses**

No building structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner other than as set forth in this Section 6H.1, Allowed Uses. Any use not included in this Section 6H.1 as an allowed use is prohibited in the Belmont Uplands District.

#### **6H.1.1 Office Uses**

Buildings to house offices and accessory uses for business or professional uses are allowed provided that medical offices, where the principal use of which are to provide diagnoses and outpatient care on a routine basis for one or more physicians, dentists, or other health care providers are permitted only to the extent that such offices do not occupy more than 33% of the total net usable square feet of the building. Day care is a permitted accessory use, provided that such use is substantially for the tenants of the building.

#### **6H.1.2 Research and Development Uses**

Offices and laboratories for research and development, including but not limited to, research and development in the fields of biology, chemistry, electronics, engineering, geology, medicine, pharmaceutical, physics, computer research and technology are allowed pursuant to all applicable federal, state and local regulations.

#### **6H.1.3 Open Space Uses**

Passive recreational uses, trails and accessory parking and visitor and interpretative structures, including without limitation, non-habitable kiosks, trail signage, engraved boulders, benches, are allowed.

#### **6H.1.4 Structured Parking Facilities**

Structured parking facilities accessory to a permitted use are allowed.

#### **6H.1.5 Wireless Telecommunications Facilities**

Wireless Telecommunications Facilities are allowed by Special Permit in accordance with Section 6.8., provided however, Interior Wireless Telecommunications Facilities are allowed as an accessory use provided such Facilities have completed Design and Site Plan Review pursuant to Section 6.8.4, Section 6H.6 and Section 6H.8. No Roof-Mounted Wireless Telecommunications Facility shall exceed the maximum building height provided in Section 6H.2. However, Roof-Mounted Wireless Telecommunications Facilities can exceed such height by Special Permit.

### **6H.2 Dimensional Requirements**

The dimensional requirements applicable to the Belmont Uplands District are:

- a) Minimum lot area of 9 acres;
- b) Minimum lot frontage of 500 feet;
- c) Minimum front setback of 65 feet;
- d) Minimum side setback of 40 feet;
- e) Minimum rear setback of 40 feet.
- f) Maximum building height of 4 stories and 98 feet (including mechanical penthouses, exhaust pipes and vents and related non-habitable space); except that a parking structure shall have a maximum height of 3 stories and 36 feet.
- g) Maximum gross floor area of 245,000 square feet, excluding the square footage of any structured parking, mechanical penthouses, exhaust pipes and vents and related non-habitable space.
- h) Minimum open space of 65%.
- i) Maximum floor area ratio of 1.0.
- j) Maximum lot coverage of 20%.
- k) Maximum impervious surface coverage of 35%.

For purposes of calculating items (a) and (h) – (k), lot and lot area shall mean the whole area of a parcel or parcels of land under one ownership (including land within the layout of a private way) notwithstanding that a portion of such parcel(s) of land are separated from the remaining portion of the parcel(s) of land by a private way or that a portion of such parcel(s) are located in another City or Town provided such land across a private way or in another City or Town is permanently restricted to passive Open Space and/or Open Space Uses.

### **6H.3 Parking and Access Requirements**

#### **6H.3.1 Maximum Number of Spaces**

Accessory parking for the uses allowed in the Belmont Uplands District are allowed provided that such parking may not exceed 3.25 parking spaces per 1,000 square feet of gross floor area.

#### **6H.3.2 Bicycle Racks**

For premises requiring 40 or more parking spaces, bicycle racks facilitating locking shall be provided to accommodate one bike per 20 parking spaces required.

#### **6H.3.3 Parking Location and Layout**

Parking shall be located on the same lot as the use it serves provided that the Planning Board, as part of the approval required under Section 6H.6 of this By-Law, may, in its discretion, permit reasonable off-site parking as long as such off-site parking is secured through a long-term written agreement and has the substantial likelihood of reducing on-site impervious surfaces, does not create new impervious surfaces elsewhere and will not negatively impact adjacent Town streets and intersections. Parking space sizes shall

conform to the rules and requirements generally applicable to the Town of Belmont in Section 5.1 and as established from time to time by the Planning Board. No more than 110 parking spaces may be outdoor spaces and outside of the footprint of the garage; the remainder must be located on, within or below a parking garage or other building.

#### **6H.4 Signs**

In the Belmont Uplands District, signs are permitted in accordance with the requirements set forth in Section 5.2.4 a) and b).

#### **6H.5 Lighting**

In the Belmont Uplands District, the lighting limitation provisions of Section 5.4.3 b) applicable in a General Business District shall apply provided, however, that primary exterior roadway and parking fixtures shall be full cut off (current IESNA definition), not exceeding 175 watts. Secondary exterior fixtures shall be selected by the developer, and approved by the Planning Board, in a manner that mitigates glare above the horizontal and off site. Garage rooftop and interior garage fixtures shall be located and shielded to eliminate direct glare onto the surrounding terrain beyond 100 feet from the garage structure or the property line, whichever is closer.

#### **6H.6 Design and Site Plan Review**

Any activity requiring a Building Permit in the Belmont Uplands District shall require Design and Site Plan Approval by the Planning Board pursuant to this Section 6H.6 and Section 6H.8 (the provisions of Section 3.5 and 7.3 of this By-Law shall not apply except as provided below).

The Planning Board shall promulgate rules requiring any applicant for Design and Site Plan Review under this Section 6H.6 to pay a review fee, in an amount to be determined by the Planning Board to cover the reasonable costs of the Planning Board for the employment of any independent consultants (including but not limited to attorneys) determined to be needed to assist in the review of the application for Design and Site Plan Approval. Such consultants shall be qualified professionals in the relevant fields of expertise determined by the Planning Board.

The objectives of Design and Site Plan Review under this Section 6H.6 are:

- a) to obtain appropriate evidence that traffic impacts of a project will be identified through a traffic study and then appropriately mitigated through mitigation plans funded and constructed by a project proponent, including but not limited to programs to limit vehicle trips to the project site, such as a required Transportation Demand Management (TDM) plan, and/or physical improvements to the impacted on-site and off-site roadways and intersections that are identified in the traffic studies prepared regarding the proposed project. A TDM shall consider, at a minimum:
  - 1) Ridesharing Programs, including but not limited to, carpool/vanpool matching programs through the local Transportation Management Association (TMA); joint programs with area commercial tenants; dissemination of promotional materials to employees' newsletters about the program; coordination with CARAVAN which leases commuter vans and provides administrative and organizational assistance; preferential parking for carpoolers; and guaranteed ride home program;
  - 2) Alternative Work Schedules;

- 3) Public Transportation including, but not limited to, subsidized passes for public transportation and consultation with public transit authorities to establish bus service to project site; and
  - 4) Bicycle Facilities including, but not limited to, inclusion of bicycle racks and/or bicycle storage lockers and showering facilities as part of a project.
- b) to determine that the architecture of the building(s) and any parking garages reflect the prominence of the buildings on the site and in the neighborhood, including, but not limited to determination on the appropriateness of the building materials proposed for the facades of all buildings and parking structures;
  - c) to determine that measures proposed to mitigate construction period impacts on the wetlands and floodplain areas on the site, on adjoining premises and on the Town roadway system are adequate;
  - d) to determine the adequacy of measures proposed to mitigate the effects of the development on wetlands and floodplain areas on the site and on adjoining properties;
  - e) to determine the adequacy of measures proposed to limit peak off-site stormwater runoff to predevelopment levels and to protect water quality in accordance with the Massachusetts Department of Environmental Protection (“MADEP”) stormwater management standards, including adherence to the criteria set forth in Section 6H.7;
  - f) where applicable, to obtain appropriate evidence of compliance with all applicable federal, state and local regulatory and licensing requirements with respect to the handling of potentially hazardous materials, including biologic or radioactive materials;
  - g) to determine that adequate measures have been taken for the private construction, maintenance and management of the natural open space on the site, including the creation of an acceptable Open Space Maintenance Plan and Agreement by which the applicant (including future successors and assigns) agrees to undertake the proper construction, maintenance and management of the natural open space on the site;
  - h) to determine that the adjoining premises within and outside of the Belmont Uplands District will be protected against seriously detrimental uses by provision for stormwater drainage, sound and light buffers, prevention of undue solar reflection and glare and preservation of views, light and air;
  - i) to determine that there will be no serious hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks and to determine that the development shall promote the use of public transportation;
  - j) to determine the adequacy of the proposed methods of commercial removal 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;
  - k) to determine the adequacy of lighting, landscape planting, preservation of specimen trees (where reasonable), location and screening and/or camouflaging of non-habitable roof elements and other exterior construction features in relation to the

proposed use of the site and the interests of the safety, convenience and welfare of the public;

- l) to determine there is adequate provision for municipal water and sewer to service the site;
- m) to determine that the height and bulk of the proposed buildings on a project site comply with the dimensional requirements of Section 6H.2 and to obtain appropriate evidence of compliance of the proposal with the applicable requirements of this By-Law other than this Section 6H.6;
- n) to obtain appropriate evidence of compliance of the proposal, or satisfactory assurances of compliance, with any non-zoning agreements entered into with the Town of Belmont regarding land in the Belmont Uplands District; and
- o) to obtain appropriate evidence that any proposed Conservation Restriction or wetland restoration programs will adequately protect and/or restore the resources intended.

## **6H.7 Stormwater Management Facilities**

Stormwater Management Facilities shall comply with the following requirements:

- a) Pre- and post-development runoff rates from the site during the 2-, 10-, 25- and 100-year storm events shall be calculated and compared in order to demonstrate post-development discharge rates do not exceed the pre-development discharge rates. These calculations shall be submitted with the application for Design and Site Plan Review under Section 6H.6.
- b) Where possible, a portion of building roof drainage shall be piped directly to an underground infiltration system to be sized to meet MADEP groundwater recharge requirements for the site. Once the required MADEP groundwater recharge volumes are met, an overflow pipe from the infiltration system to the adjacent stormwater management systems may convey excess stormwater flows. Underground infiltration systems shall be constructed under proposed parking areas or building foundations so as to limit the disturbance of existing natural open space.
- c) Stormwater runoff from the on-site paved areas will be collected and conveyed through deep sump catch basins and storm drain pipes to adjacent stormwater management systems. The pipe capacity of the storm drain system shall be designed to convey the 10-year storm frequency.
- d) Open detention basins and other Best Management Practices (BMPs) shall detain at a minimum the difference in pre- versus post-development stormwater discharge rates from the site.
- e) Open detention basins shall have adequate storage volume to contain the peak elevation during the 100-year storm event within its top of bank.
- f) Compensatory storage volumes provided due to loss in floodplain storage of Little River shall result in a minimum net increase of 1.5 times the existing volume impacted.
- g) Disruption to existing tree cover and vegetation shall be minimized.

- h) Dikes, berms and other required grading shall be blended with the terrain and landscaped and appropriately vegetated with wetland and indigenous species.
- i) All walls, pipe structures and appurtenances shall be designed to assure public safety by devices which prevent climbing and other hazards.
- j) Creation of an acceptable Stormwater Facilities Maintenance Plan and Agreement by which the Applicant agrees to manage and to maintain the Stormwater Facilities servicing the site.

## **6H.8 Site Plan Review Procedures**

Each application for Design and Site Plan Review under Section 6H.6 shall be accompanied by ten copies of the documents described in Section 7.3.4. In addition, the application shall also be accompanied by ten copies of:

- i) plans showing the existing and proposed topography in two foot contours and showing underground utilities;
- ii) a construction management program including, but not limited to, plans for construction vehicle access routes, on-site construction worker parking, designation of material storage methods and locations, and designation of construction hours;
- iii) a development plan, setting forth the anticipated timing of construction and occupancy of the proposed development;
- iv) plans showing anticipated views of the proposed development from public locations outside of the Belmont Uplands District;
- v) plans indicating the location of wetlands and floodplains, if any, and other existing vegetation to be preserved;
- vi) an erosion and sedimentation control plan;
- vii) evidence of property ownership;
- viii) a stormwater management plan, including the calculations described in Section 6H.7a) and setting forth all proposed facilities and performance standards in sufficient detail to permit the Planning Board to evaluate the proposed development in accordance with the provisions of Section 6H.7;
- ix) a written statement of the manner in which the proposal meets each of the objectives set forth above;
- x) evidence that the proposal complies with any non-zoning agreements entered into with the Town of Belmont regarding land in the Belmont Uplands District;
- xi) evidence that a view shed analysis has been performed using a digitally created representation of the height of each proposed structure for the site, together with photographs of such representation taken from a sufficient number of locations suitable for evaluating the visual impacts of each proposed structure in accordance with the objectives set forth above; and

- xii) the Planning Board may, in its discretion, require a traffic study which shall include an impact study on those roadways and intersections reasonably believed to be likely impacted by the project, as well as any mitigation proposals to reduce or eliminate the identified impacts.

Where applicable, plans shall be prepared by a registered architect, landscape architect, land surveyor or professional engineer. After an application has been submitted, no tree removal, grading, filling, construction of roads or installation of utilities shall occur with respect to the proposed area of development until the application has been approved by the Planning Board.

In reviewing an application for Design and Site Plan Review under this Section 6H.8, the Planning Board shall follow the procedures established in the first two paragraphs of Section 7.3.3 Notice of the public hearing shall be provided to the appropriate boards and departments inviting written comments and recommendations. An application may be denied where:

- a) an application is incomplete, or
- b) no reasonable conditions can be imposed which will insure that the proposed development is consistent with the objectives set forth in Section 6H.6 and applicable sections of the Belmont Zoning By-Law. Such a denial shall be in writing and shall set forth the reasons therefor.

It is the intent of Section 6H.6 and this Section 6H.7 that an application for Design and Site Plan Review shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the objectives in Section 6H.6 and all other requirements of this Section 6H and the Town of Belmont Zoning By-Law. The Planning Board may impose such reasonable conditions on its Approval, as it shall deem appropriate to assure the continuing consistency of the development with the objections set forth herein. The Planning Board may require the posting of a performance guaranty as a condition of its Approval as it shall deem appropriate to insure compliance with the Approval and its conditions.

An appeal from a decision of the Planning Board granting or denying Design and Site Plan Approval may be filed with Superior Court or Land Court under Massachusetts General Law, Chapter 40A, Section 17, within twenty days of the filing of the decision with the Town Clerk.

Any proposed amendment to an approval under Section 6H.6 and this Section 6H.8 shall follow the procedures set forth herein for an initial application.

## **6H.9 Coordination with Other Provisions of By-Law**

This Section 6H together with the rest of this By-Law constitute the zoning regulations for the Belmont Uplands District. Where conflicts exist between this Section 6H and the rest of this By-Law, the provisions of this Section shall govern. Except where specifically indicated in this Section, the provisions of this Section supersede Sections 3 (Use Regulations), 4 (Intensity Regulations) and 5.1.1 (Parking – Number of Spaces), 5.1.2 (Parking – Schedule of Requirements), 5.1.3 a) (Parking and Loading Area Location and Design, Location), 5.3.3 c) (Landscaping for Parking Area Plantings) 6.6.3 b) (Floodplain District, Use Regulations) and 7.3 (Design and Site Plan Review).

## **6H.10 Validity**

The invalidity of any section or provision of this Section 6H shall not invalidate any other section or provision hereof.

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