

## Robert McGaw Comments

*January 28, 2025*

### A. General comments:

1. Capitalize all defined terms consistently.6.14.1 including

Section

Special Permit

Building

Structure

Open Space

Dwelling Unit

Parking Space

Lot Area

Setback

Historic District

Story

Lot Coverage

Lot Area

2. replace “ordinance” with “By-law”
3. Once “accessory dwelling unit” is defined as ADU, thereafter use the term ADU

### B. Specific comments.

In 6.14.1 Add

d) To amend this By-law to comply with the portions of Chapter 150 of the Acts of 2024 applicable to accessory dwelling units.

In 6.14.2 Reword preamble to read as follows:

In this §6.14, the following terms shall have the following meanings and a capitalized term shall have the meaning in §1.1, unless a contrary meaning is required by the context.

In 6.14 Insert a definition for ADU. You may want to insert the definition verbatim that is used in in MGL c. 40A, §1A.

In 6.14.2.d) reword as follows:

d) Historic Building – Any Building on the List governed by §60-320 of the General Bylaws.

In 6.14.e) reword as follows:

e) Historic District – The Historic Districts referred to in §60-320 of the General Bylaws.

In 6.14.f). Add a comma after “electrical.”

In 6.14 Add a definition for Principal Dwelling

In 6.14.k) In the MGL citations, Change “s.” to §

In 6.14.3 Begin the sentence with “Only one ADU . . . .”

In 6.14.5.c) use “Principal Dwelling” instead of “primary structure.”

In 6.14.6.a) I suggest the .5 mile measurement be a straight line from the center of Transit Station to the closets edge of the ADU. Since Bus Station is the entire street along which the Bus operates, add a clarification that measurement to the nearest Bus Station shall be to the center line of the nearest street where the Bus Station is located.

In 6.14.7.d) Clarify the intent by changing the sentence to end as follows: “. . . any ADU that meets any of the following criteria:”

In 6.14.7.d).3) The word NOT needs fixing

In 6.14.9. There is no b) so make a) a paragraph. Change “his” to “their.” Change “this section” to “this Section 6.14.” Either define DSPR in the text, e.g., ‘Design and Site Plan Review (“DSPR”)’ or spell it out the second time it is used.

In 6.14.10. change title to Read “ADUs in Existence Before Adoption of this Section 6.14.” [Referring to “this By-law would refer to the entire Zoning By-law.]

In 6.14.10.a) End the sentence with “this Section 6.14.”

In 6.14.11 Begin the sentence with “All new and pre-existing ADUs . . . .”

In Table 1, Column 2, there is no “a.”

In 6.14.6.c). Insert a comma after “driveway” and make spell “except” with a lower case “e.”

In 6.14.6.d) Change “may” to “shall” and change “public way” to “Street.”

In 6.14.6.f) Change “roadways” to “Streets”.

The Town went through an excruciating and expensive, labor-intensive exercise to identify ALL the buildings in Belmont that could possibly be "historic" and having done so the I urge that ADU zoning should not reopen that issue. Just refer to "the List" that was created through that process. See §60-320 of General Bylaws.

### ***January 30, 2025***

I noticed that erroneously referred to §1.4 for the definitions, instead of §1.1.

the existing definition of Accessory Dwelling Unit in §1.4 must be entirely replaced and superseded with a new definition based on MGL c. 40A, §1A.

### ***January 31, 2025***

1. I think 6.14 needs a definition for Principal Dwelling since it is used so much, it could be Principal Dwelling -- the Dwelling Unit on a Lot on which an ADU is located.

2. I couldn't tell if the intent in Section 6.14.8.d).1) was to prevent an ADU from being higher than the existing Principal Dwelling Unit OR that it could not exceed the maximum height allowed for a Principal Dwelling in that Zoning District.

3. Accessory Use is defined in §1.4 so it needs to be capitalized.

4. Town Meeting Members may want to know what MGL c. 64G, §1 says about Short-Term Rentals, so you may want to be prepared to explain that, or you could quote the language of the statute in the definition.

***February 3, 2025***

Now that I know the intent, i.e., that the height of a new ADU does not exceed the height of the Principal Dwelling, do you care if the height of the Principal Dwelling is nonconforming, i.e., higher than what is now allowed? If yes,

it could be worded like this:

§6.14.8.d).1) The construction of the ADU will either exceed the Building Height of the Principal Dwelling or exceed the applicable Building Height allowed by this By-Law.

Note: Building Height is a defined term in §1.4