

Historic Accessory Building Preservation

Allowing a Home Occupation or Accessory Dwelling Unit

APPROVED BY THE PLANNING BOARD MARCH 18, 2009

Insert in:

- §6.11.3, “or for one accessory dwelling unit.”
- §6.11.4 d), “If the Historic Accessory Building is proposed to be used for a home occupation,”
- §6.11.4 e) “If the Historic Accessory Building is proposed to be used for an accessory dwelling unit, the Planning Board must find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 (c):
 - 1) The accessory dwelling unit use will be incidental to the ownership and use of the principal structure on the same lot; and
 - 2) The accessory dwelling unit or the principal structure will be occupied by the owner of the subject premises, except for bona fide temporary absences.”

6.11 Historic Accessory Building Preservation

6.11.1 Purpose

The purpose of this Section is to promote the preservation of unique Historic Accessory Buildings by permitting their adaptive reuse for uses that may not otherwise be permitted under this Zoning By-law, thereby making their functional preservation and restoration feasible.

6.11.2 Definition

A “Historic Accessory Building” is an accessory building such as a free-standing barn, greenhouse or carriage house built before 1921, which is located on the same lot as the principal building to which it is accessory, and which is either:

- a) listed on the Inventory of the Historic and Archaeological Assets of the Commonwealth as maintained by the Massachusetts Historical Commission; or
- b) listed on the National Register or State Register of Historic Places; or

- c) specifically designated as a “Historic Accessory Building” by the Belmont Historic District Commission, using the criteria for evaluation established for determining eligibility for the National Register of Historic Places.

6.11.3 Applicability

The Planning Board may grant a Special Permit for the reuse of a Historic Accessory Building in any residential district of the Town, allowing the adaptation of such Building for use as a home occupation, **or for one accessory dwelling unit.**

6.11.4 Procedure

- 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, and the Planning Board’s Special Permit Regulations.
- b) Upon receipt of an Application, the Planning Board shall forward a copy of the Application to the Historic District Commission for its review and recommendations concerning the proposed exterior treatments of the Building, including such things as windows, roofing and siding materials, and landscaping. Such recommendations shall include:
 - 1) the Commission’s assessment as to whether the proposed reuse and associated exterior alterations would adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and
 - 2) specific conditions which the Commission believes should be imposed on the Special Permit in order to prevent any adverse effects.

The Historic District Commission shall hold a public hearing and make recommendations to the Planning Board within thirty five (35) days of the Commission’s receipt of the Application. Otherwise, the Application shall be deemed approved.

- c) The Planning Board may issue a Special Permit under this Section only if it finds that the proposed reuse and any related building alterations and site development meet all of the applicable Special Permit criteria set forth in Section 7.4, and
 - 1) are generally in harmony with the neighborhood;
 - 2) will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;

- 3) will preserve and/or restore the original architectural features of the Building to the maximum extent practicable;
 - 4) will not adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and
 - 5) will not result in any enlargement or relocation of the Historic Accessory Building.
- d) **If the Historic Accessory Building is proposed to be used for a home occupation,** the Planning Board must ~~also~~ find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4(c):
- 1) There will be no exterior display or visible storage of supplies or equipment to be used on or off the premises, or other variation from the residential character of the premises;
 - 2) Not more than one person who is not a member of the household will be employed on the premises;
 - 3) There will be no production of offensive noise, vibration, odors, fumes, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects;
 - 4) No articles will be sold or offered for sale on the premises;
 - 5) Traffic generated, including pick up and deliveries, will not exceed that normally expected in the residential neighborhood in which the Historic Accessory Building is located; and
 - 6) All parking will be provided on-site, and not within a required front yard.
- e) **If the Historic Accessory Building is proposed to be used for an accessory dwelling unit, the Planning Board must also find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 (c):**
- 1) The accessory dwelling unit use will be incidental to the ownership and use of the principal structure on the same lot; and**
 - 2) The accessory dwelling unit or the principal structure will be occupied by the owner of the subject premises, except for bona fide temporary absences.**

6.11.5 Conditions of Approval

In granting a Special Permit under this Section, the Planning Board shall require that a perpetual preservation restriction on said Building and its landscape context be granted to the Town or

other appropriate body or preservation organization under the provisions of Massachusetts General Laws, Chapter 184, Section 31. The form of such preservation restriction shall be subject to review and approval by Town Counsel.

In addition, 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 Section 6.11.4 including, but not limited to conditions:

- a) prohibiting the Special Permit from being transferred to a subsequent owner without the approval of the Planning Board;
- b) specifying the required number of on-site parking spaces and their location;
- c) limiting the business operations of a home occupation, such as the number of patrons/clients visiting the premises, hours of operations, and hours and location of deliveries;
- d) requiring installation of additional landscaping;
- e) requiring continuing maintenance of landscaping;
- f) requiring a restrictive covenant to be imposed on the subject property, prohibiting the division or reduction in size of the lot on which the Historic Accessory Building is located.

6.11.6. Nonconforming Historic Accessory Buildings

Any exterior or interior alteration to a preexisting nonconforming Historic Accessory Building made pursuant to a Special Permit issued under this Section shall be deemed not to constitute an “alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent” requiring consideration and a Special Permit by the Board of Appeals under Section 1.5.3.

6.11.7 Compliance with Applicable By-Laws

Except as expressly provided in this Section, the grant of a Special Permit for the reuse of a Historic Accessory Building shall not relieve the applicant from the need to comply with all other applicable Town By-laws and Regulations.

ADDITIONAL AMENDMENTS

1. Section 1.4, “Definitions and Abbreviations”

Insert a new definition for “Accessory Dwelling Unit” between “Accessory building” and “Accessory Use” as follows:

“Accessory Dwelling Unit – A dwelling unit which is incidental to the use of the principal structure on the same lot and located in a Historic Accessory Building pursuant to a Special Permit issued under Section 6.11 of this By-Law.”

2. Section 3.4.2, Home Occupations

Delete the phrase “(but not its accessory buildings)” at the beginning of the Section and insert the substitute phrase: “but are not permitted in accessory buildings unless granted a Special Permit pursuant to Section 6.11” so that the first part of the Section will read as follows:

3.4.2 Home Occupations

Home occupations are permitted within a dwelling (~~but not its accessory buildings~~), **but are not permitted in accessory buildings unless granted a Special Permit pursuant to Section 6.11** subject to the following: