

## **SECTION 6A. McLEAN DISTRICT**

*Note: §6A was adopted under Article 2 at the 1999 Special Town Meeting.*

There are six (6) Subdistricts within the McLean District: Residential Subdistrict (divided into Zone 1A and 1B and Zone 2); Senior Living Subdistrict; Research and Development Subdistrict; McLean Institutional Subdistrict; Open Space Subdistrict, and the Cemetery Subdistrict.

### **6A.1 Allowed Uses**

#### **6A.1.1 Residential Subdistricts**

Within the Residential Subdistricts, side-by-side attached single-family dwellings (and the conversion of structures existing as of the date of adoption hereof to single-family or multi-family dwellings) shall be allowed, as well as private club or lodge facilities used exclusively by residents with a maximum aggregate gross floor area of 16,000 square feet (provided that such facilities are located within the first floor of existing buildings that are rehabilitated and reused and that dwelling units are located within the upper floors of such buildings) and those other accessory uses permitted in the Single Residence A, B, C and D Districts, other than lodging and boarding (provided, however, that accessory parking shall be limited as provided in Section 6A.3 and accessory structures shall only be allowed by Special Permit issued by the Planning Board).

#### **6A.1.2 Senior Living Subdistrict**

Within the Senior Living Subdistrict, a continuing care retirement community shall be allowed, which shall be defined as development comprised of housing and other associated services operated or sponsored as a coordinated unit by a corporation or organization having as its principal purpose the provision of housing and associated services, including those designed to provide for medical care and assistance with activities of daily living, for elderly persons. A continuing care retirement community may include one or more of the following types of facilities:

- a) **Independent Living Facilities.** Independent Living Facilities provide private living and dining accommodations to persons fifty-five (55) years of age or older, and may include the provision of common areas, social and educational programs, and psychological counseling and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living. Home health care facilities for the provision of medical, nutritional, social, psychological and educational services for the residents of the Independent Living Facilities are permitted.
- b) **Assisted Living Facilities.** Assisted Living Facilities provide a sheltered living environment for persons fifty-five (55) years of age or older, and may include such services as housekeeping, cooking and common dining, social, psychological, and educational programs, programs for Alzheimer care, assistance with personal needs, and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life.

- c) **Nursing Care Facilities.** Nursing Care Facilities are those facilities licensed or approved by the applicable state or federal agency to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Nursing Care Facilities may include medical and therapeutic and ancillary support and rehabilitation services, including but not limited to, food services, programs for Alzheimer care, social, psychological, and educational programs, and twenty-four hour supervision as appropriate.
- d) **Multipurpose Senior Facilities.** Multipurpose Senior Facilities provide social, educational, medical and therapeutic, wellness, counseling, recreational, outreach, and other activities for residents of the Independent Living Facilities, the Assisted Living Facilities and the Nursing Care Facilities. Multipurpose Senior Facilities may include a beauty parlor/barber shop, convenience store, ice cream parlor, bank, exercise center, and other such services ancillary to a senior living community, so long as such services are provided exclusively for staff, residents and their guests.
- e) **Day Care and Similar Programs.** Adult Day Care Facilities and Respite Care Facilities shall be allowed; provided, however, that such uses shall not serve more than 100 persons per day.

#### 6A.1.3 Research and Development Subdistrict

Within the Research and Development Subdistrict, offices for 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 shall be allowed.

#### 6A.1.4 McLean Institutional Subdistrict

Within the McLean Institutional Subdistrict, psychiatric hospital use, including clinical, research and teaching programming in the nature of McLean Hospital's current operations as of the effective date of this By-Law, shall be the principal use. To the extent consistent with such principal use, the following non-psychiatric medical uses are also allowed, but such uses in the aggregate shall not exceed 30% of the gross floor area within the Subdistrict: clinics, educational facilities, outpatient services, research and development laboratories and other types of hospital uses and residential programs and professional offices for doctors and other hospital professionals or paraprofessionals; further provided, however, that the following non-psychiatric medical uses in the aggregate shall not exceed 25,000 square feet in gross floor area: clinics, outpatient services and professional offices for doctors, other hospital professionals and paraprofessionals. Uses accessory to psychiatric hospital use and serving the needs of patients or employees are also allowed including overnight accommodations for visitors, cafeterias, fitness centers or gymnasiums, library, art gallery, places of worship, automatic teller machines and auditoriums so long as such services are provided exclusively for staff, residents and their guests.

#### 6A.1.5 Open Space Subdistrict

Within the Open Space Subdistrict, passive recreational uses shall be allowed; provided that the existing building known as Mill Street Lodge can be used as a facility for marketing dwellings in the Residential Subdistricts; the existing building known as Pleasant Street Lodge can be used as a facility for marketing units or space within the

Senior Living Subdistrict or Research and Development Subdistrict; and accessory outdoor parking, trails and visitor and interpretative facilities are allowed within publicly-owned land within the Subdistrict. Except as expressly provided herein, the lands within the Open Space Subdistrict shall be continued in an undeveloped and natural condition. Except as expressly provided herein, cutting, removing or destroying trees (other than the removal of diseased or damaged trees), altering the natural topography and constructing or locating structures within the Subdistrict shall not be allowed. Such land shall not be used for residential, industrial, institutional or commercial use, except that construction and use of vehicular and pedestrian access ways shall be allowed (only within those areas identified as "Vehicular Access Easement" on the Zoning Map) and the installation and maintenance of underground utilities and underground communication connections shall be allowed (only to the extent that such utilities and connections are located and constructed in a manner which minimizes the impact on the conservation values of the property). Continuation and replacement of existing utility and communication facilities shall be allowed. Continuation of the existing recreational field shall be allowed. Use of existing buildings within publicly-owned land within the Subdistrict for cemetery purposes shall be allowed.

#### 6A.1.6 Cemetery Subdistrict

Within the Cemetery Subdistrict, cemetery and associated interment uses, structures, including offices, garage, maintenance buildings and columbariums together with landscaping, pathways, access drives and accessory parking shall be allowed. The installation and maintenance of underground utilities and underground communication connections shall be allowed (only to the extent that such utilities and connections are located and constructed in a manner which minimizes the impact on the conservation values of the property). Continuation and replacement of existing utility and communication facilities shall be allowed.

## 6A.2 Dimensional Requirements

Gross floor area shall have the meaning set forth in this By-Law except that such area shall include all structures within the Subdistrict (except for preserved structures of historic significance which are vacant, unused and unoccupied and structures on privately-owned land used by the Town for public purposes), not within a given lot, and except that interior parking areas shall be excluded.

#### 6A.2.1 Residential Subdistricts

The dimensional requirements applicable to the Residential Subdistricts are:

- a) Maximum building height of 2.5 stories and 36 feet. For the purposes of this Section 6A, "height" shall mean the vertical distance from the average natural grade adjoining the building at all exterior walls to the highest point of the roof. Notwithstanding the foregoing, for purposes of determining the height of no more than 12 buildings in Zone 1A (each of which must have its side with its greatest height from grade turned more than 90° away from the northern boundary of the Subdistrict) and no more than 20 buildings in Zone 2, an alternative height limit shall be applied: the vertical distance from the average natural grade adjoining the building on the side that has the highest average natural grade to the highest point of the roof shall not exceed 36 feet and the vertical distance from the average natural grade adjoining the building on the side that has the lowest average natural grade to the highest point of the roof shall not exceed 50 feet. For buildings using this alternative height limit, a floor having a ceiling elevation

at or below the average natural grade adjoining the building on the side that has the highest average natural grade shall not be considered a story. Each dwelling unit shall be considered a separate building for the purpose of determining height hereunder. No flat or shed roofs shall be allowed on buildings or building elements of more than one story.

- b) Maximum number of dwelling units and gross floor area.
  - 1) in Zone 1A, maximum of 33 units and a maximum total gross floor area of 99,000 square feet.
  - 2) in Zone 1B, maximum of 22 units and a maximum total gross floor area of 66,000 square feet.
  - 3) in Zone 2, maximum of 56 units and a maximum total gross floor area of 168,000 square feet.
  - 4) notwithstanding the provisions of subsections b) 1), b) 2), and b) 3), an additional 11 dwelling units may be constructed as an historic preservation bonus based on rehabilitation and reuse of buildings consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation; five such units shall be earned based on preservation and restoration of the existing building known as Upham Building and shall be located in Zone 2; four such units shall be earned based on rehabilitation and reuse of the existing building known as Garage Building and shall be located in Zone 1A or 1B; one such unit shall be earned based on rehabilitation and reuse of the existing building known as Hope Cottage and shall be located in Zone 2 and one such unit shall be earned based on rehabilitation and reuse of the existing building known as South Cottage and shall be located in Zone 2. Such units shall not have a maximum gross floor area so long as they are located in the existing buildings as preserved and restored. Such units shall have a maximum average gross floor area of 3,000 square feet if they are located outside the buildings preserved and restored.
- c) Minimum open space of 60% of lot area within Zone 1A and minimum open space of 40% of lot area within Zone 1B and Zone 2.
- d) Maximum lot coverage of 20% of lot area within Zone 1A and Zone 1B and maximum lot coverage of 30% of lot area within Zone 2.
- e) Maximum impervious surface coverage of 40% of lot area within Zone 1A and maximum impervious surface coverage of 60% of lot area within Zone 1B and Zone 2. For the purposes of this Section 6A, "impervious surface coverage" shall mean the total area of all surfaces which reduce or prevent the absorption of stormwater into land (including buildings, parking lots, driveways and sidewalks).
- f) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas may be placed within such setback.
- g) Minimum setback from buildings to common driveways of 15 feet.

- h) Along the northerly boundary of Zone 1A, for 400 feet from the northeast corner of the Subdistrict, and along the easterly boundary of Zone 1A, for 200 feet from the northeast corner of the Subdistrict, the following shall apply:
  - 1) The area within 30 feet of such portions of such boundaries shall be maintained in an undeveloped and natural condition, except for the landscaping described below.
  - 2) If structures are located in Zone 1A within 100 feet of such portions of such boundaries, there shall be landscape buffering, including evergreen trees of substantial size (12 to 15 feet in height) upon planting, along both sides of such portions of such boundaries (to the extent permitted by the Town, where on Town property), which shall:
    - a) provide a dense visual screening of such structures from view from the adjacent land in the Open Space Subdistrict;
    - b) be designed in a manner consistent as feasible with the natural appearance of the area, and
    - c) be designed in a manner consistent as feasible with the continued life and health of the existing trees. Such landscape buffering may include the removal of invasive plants and their replacement with other native species.

#### 6A.2.2 Senior Living Subdistrict

The dimensional requirements applicable to the Senior Living Subdistrict are:

- a) Maximum building height of 5 stories and 58 feet, except that one building may extend as high as 6 stories and 67 feet; provided that in such case the Planning Board determines that the siting and design of the building having such additional height shall be such that its roof elevation does not exceed the roof elevation of the 5 story building in the Subdistrict with the highest roof elevation and takes into consideration the tree line in the vicinity of such building; provided, further that a parking structure shall have a maximum height of 5 stories and 45 feet. For purposes of determining the height of a building in the Subdistrict, if and only if the lowest floor of the building is used for parking, then an alternative height limit shall be applied: the vertical distance from the average natural grade adjoining the building on the side that has the highest average natural grade to the highest point of the roof shall not exceed 58 feet and the vertical distance from the average natural grade adjoining the building on the side that has the lowest average natural grade to the highest point of the roof shall not exceed 68 feet. For buildings using this alternative height limit, a floor having a ceiling elevation at or below the average natural grade adjoining the building on the side that has the highest average natural grade shall not be considered a story.
- b) Maximum number of 480 units, at least 30 non-nursing care units of which must be set aside on a continuing basis as affordable units, and no more than a total gross floor area of 600,000 square feet; provided, however, that an additional 6 units having a total gross floor area of no more than 6,000 square feet may be constructed as a historic preservation bonus based on rehabilitation and reuse of buildings consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation; two such units shall be earned based on

rehabilitation and reuse of the existing building known as Chapel Building; and four such units shall be earned based on rehabilitation and reuse of the existing building known as Office Building. Of the 486 units, no more than 400 shall be Independent Living Facilities, no more than 150 shall be Assisted Living Facilities and no more than 150 shall be nursing care beds within Nursing Care Facilities. "Affordable units" shall mean units which are rented or sold to, and occupied by, households with annual incomes of up to 120% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development. The availability of the affordable units may be phased in by approval of the Planning Board in connection with Design and Site Plan Review.

- c) Multipurpose Senior Facilities (not including customary common areas for the residential units) cannot exceed 10% of the total allowable gross floor area and shall be included within such total allowable gross floor area.
- d) Minimum open space of 30% of lot area within the Subdistrict.
- e) Maximum lot coverage of 40% of lot area within the Subdistrict.
- f) Maximum impervious surface coverage of 70% of lot area within the Subdistrict.
- g) Minimum setback from buildings to the Subdistrict boundary line of 10 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas, may be placed within such setback.

#### 6A.2.3 Research and Development Subdistrict

The dimensional requirements applicable to the Research and Development Subdistrict are:

- a) Maximum building height of 4 stories and 67 feet; except that a parking structure shall have a maximum height of 5 stories and 45 feet.
- b) Maximum gross floor area of 150,000 square feet.
- c) Minimum open space of 30% of lot area within Subdistrict.
- d) Maximum lot coverage of 40% of lot area within Subdistrict.
- e) Maximum impervious surface coverage of 70% of lot area within Subdistrict.
- f) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas, may be placed within such setback.

#### 6A.2.4 McLean Institutional Subdistrict

The dimensional requirements applicable to the McLean Institutional Subdistrict are:

- a) Maximum building height of 4 stories and 67 feet.

- b) Maximum gross floor area of 668,000 square feet.
- c) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas, may be placed within such setback.
- d) The area within the Subdistrict shown on the Zoning Map as "Conservation Buffer" shall be maintained as open space in an undeveloped and natural condition and no building, fences, walls or paving shall be located in such area.

6A.2.5 Cemetery Subdistrict.

The dimensional requirements applicable to the Cemetery Subdistrict are:

- a) Maximum gross floor area of 2,450 square feet.
- b) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. Minimum setback from buildings to public streets of 30 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan Review), nor any parking areas, may be placed within such setbacks.

**6A.3 Parking and Access Requirements**

6A.3.1 Maximum Number of Spaces.

Accessory parking for the uses allowed in the Residential Subdistricts, the Senior Living Subdistrict, the Research and Development Subdistrict, the McLean Institutional Subdistrict, and the Cemetery Subdistrict shall be allowed provided that such parking may not exceed the limits set out in the following table.

Residential Subdistricts	Two inside parking spaces and two outside parking spaces per dwelling and 122 parking spaces for guests.
Senior Living Subdistrict	One parking space per unit and 50 parking spaces for staff and guests.
Research and Development Subdistrict	Three and one-half parking spaces per 1,000 square feet of gross floor area.
McLean Institutional Subdistrict	<ul style="list-style-type: none"> <li>➤ For existing uses and structures 853 parking spaces.</li> <li>➤ For new construction, as follows: 3 per 1,000 square feet of gross floor area; provided, however, that the total of parking spaces added for all new construction may not exceed 150 spaces.</li> </ul>
Open Space Subdistrict (privately-owned lands)	Five parking spaces adjacent to the Mill Street Lodge; five parking spaces adjacent to the Pleasant Street Lodge.
Cemetery Subdistrict	Seven parking spaces.

The accessory use parking of commercial vehicles shall be further restricted as follows in the several Subdistricts.

- a) Residential Subdistricts - by Special Permit only.
- b) Senior Living Subdistricts – prohibited.
- c) Research and Development Subdistrict – permissible if parked indoors or in a parking garage overnight.
- d) McLean Institutional Subdistrict – permissible.
- e) Open Space Subdistrict – prohibited.
- f) Cemetery Subdistrict – prohibited except for Town-owned vehicles.

*Note: §6A.3.1 was amended by Article 28 at the 2001 Annual Town Meeting.*

#### 6A.3.2 Parking Location and Layout

Parking must be located in the same Subdistrict as the use it serves. Parking space sizes shall conform to the rules and requirements generally applicable to the Town of Belmont as established from time to time by the Planning Board. Inside parking spaces in the Residential Subdistricts shall be located within a dwelling or an attached garage (no garage shall contain more than two spaces). Outside parking spaces in the Residential Subdistricts shall be located within a driveway leading to the garage. Guest parking spaces in the Residential Subdistricts shall be outside and shall be located in clusters of no more than 6 spaces each, such clusters to be located as approved by the Planning Board in connection with Design and Site Plan Review. No more than 350 parking spaces in the Senior Living Subdistrict may be outdoor surface spaces; the remainder must be located within a parking garage or other building. No more than 350 parking spaces in the Research and Development Subdistrict may be outdoor surface spaces, the remainder must be located within a parking garage or other building.

#### 6A.3.3 Access Limitations

Vehicular access to the Residential Subdistricts and the McLean Institutional Subdistrict shall be via Mill Street, except in case of emergency access. Vehicular access to the Senior Living Subdistrict and the Research and Development Subdistrict shall be via Pleasant Street, except in case of emergency access.

### **6A.4 Design and Site Plan Review**

Any activity requiring a Building Permit in any Subdistrict, and any proposed construction of a vehicular access way across land in the Open Space Subdistrict, shall require Design and Site Plan Approval by the Planning Board pursuant to this Section 6A.4 (the provisions of Section 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 6A.4 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 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 6A.4 shall be to:

- a) obtain appropriate evidence that a traffic monitoring and mitigation program agreement has been entered into with the Town;
- b) obtain appropriate evidence that the proponent or other party has placed into escrow the funds required pursuant to any traffic monitoring and mitigation program agreement entered into with the Town;
- c) determine the adequacy of measures proposed to mitigate construction period impacts on the natural features of the site, on neighboring premises and on the Town roadway system;
- d) determine the adequacy of measures proposed to mitigate the effects of the development on significant natural and landscape features of the site, including the preservation of specimen trees;
- e) determine the appropriateness of the proposed design and materials of proposed buildings;
- f) determine the adequacy of measures proposed to limit peak offsite stormwater runoff to predevelopment levels and to protect water quality in accordance with State stormwater management standards, including adherence to the criteria set forth in Section 6A.5;
- g) determine the adequacy of measures proposed to prevent adverse erosion or sedimentation effects on the natural features of the site or on neighboring premises;
- h) where applicable, obtain appropriate evidence of compliance with all applicable regulatory and licensing requirements with respect to the handling of potentially hazardous materials, including biologic or radioactive materials;
- i) determine that adequate measures have been taken for the private maintenance and management of the development (including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow removal, trash removal and recycling);
- j) determine that the adjoining premises within and outside of the McLean District will be protected against seriously detrimental uses by provision for surface water drainage, sound and light buffers, prevention of undue solar reflection and glare and preservation of views, light and air;
- k) determine that there will be no serious hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;
- l) determine the adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;
- m) determine the 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;

- n) determine that the height and bulk of the proposed buildings will not be injurious to surrounding property outside of the McLean District, including appropriate location and screening of non-habitable roof elements;
- o) determine the adequacy of the lighting, landscape planting (including adequate buffers along Subdistrict boundaries) 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;
- p) determine the appropriateness of the relationship of structures and open spaces to the natural landscape and existing buildings, including the relationship between structures in Zone 1A and the adjacent publicly-owned land in the Open Space Subdistrict;
- q) obtain appropriate evidence of compliance of the proposal with the applicable requirements of this By-Law other than this Section 6A.4; and
- r) obtain appropriate evidence of compliance of the proposal with any non-zoning agreements entered into with the Town of Belmont regarding land in the McLean District.

Any Applicant for Design and Site Plan Review shall submit ten copies of a preliminary concept plan for review by the Planning Board prior to submission of a formal application. The preliminary review shall provide an opportunity for the Applicant to identify early in the process the preferences of the Planning Board relative to the development of the site. The preliminary concept plan should show the proposed location and size of all buildings, parking areas, driveways and undisturbed natural areas. When the Applicant submits a preliminary concept plan to the Planning Board, the Applicant shall at the same time provide a copy of such submission to the Conservation Commission, the Historic District Commission, the Community Development Office, the Town Administrator, the Police Department and the Fire Department (the "Commenting Agencies"). The Planning Board will provide advice and guidance to the Applicant after an opportunity for the Commenting Agencies and the public to provide written comments on the preliminary concept plan.

Each application for Design and Site Plan Review under this Section 6A.4 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 (10) copies of:

- I. plans showing the existing and proposed topography in two foot contours and showing subsurface conditions;
- II. a construction management program including 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 phasing 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 McLean District;
- V. a reasonably scaled model of the proposed development;
- VI. plans indicating specimen trees and other existing vegetation to be preserved;
- VII. a traffic circulation plan;

- VIII. an erosion and sedimentation mitigation plan;
- IX. evidence of property ownership;
- X. a stormwater management plan, including the calculations described in Section 6A.5 a) 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 6A.5;
- XI. a written statement of the manner in which the proposal meets each of the objectives set forth above;
- XII. evidence that the proposal complies with any non-zoning agreements entered into with the Town of Belmont regarding land in the McLean District; and
- XIII. evidence that a crane, balloon or other temporary representation of the height of each proposed structure has been brought to the site and kept in place for not less than 72 hours, 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.

Where applicable, plans shall be prepared by a registered architect, landscape architect, land surveyor or professional engineer.

The Planning Board or its designee shall review a submitted application for completeness and shall notify the Applicant within thirty (30) 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. Upon receiving notice that an application is complete, the Applicant shall provide a copy of the complete application to the Commenting Agencies. 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 of Design and Site Plan Review under this Section 6A.4, 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 Commenting Agencies inviting written comments and recommendations. An application may be denied where:

- a) an application is incomplete or
- b) no reasonable conditions will ensure that the proposed development is consistent with the objectives set forth in this Section 6A.4. Such a denial shall be in writing and shall set forth the reasons therefor.

It is the intent of this Section 6A.4 that 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 6A.4 and all other requirements of this Section 6A. 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 objectives set forth herein. The Planning Board may require the posting of a bond or

other reasonable security as a condition of its approval as it shall deem appropriate to assure compliance with the approval and its conditions.

An appeal from a decision of the Planning Board 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 this Section 6A.4 shall follow the procedures set forth herein for an initial application. Notwithstanding any provisions hereof to the contrary, Design and Site Plan Approval shall not be required for alterations or repairs to an existing building which do not increase the height, bulk or footprint thereof, which are not being performed to provide for its use for a substantially different purpose and which do not violate the conditions contained within any prior Design and Site Plan Approval applicable to such building; provided that the proponent must nonetheless obtain the Planning Board's approval of a construction mitigation plan appropriate for the scope of the proposed alteration or repair prior to the issuance of a Building Permit. If Design and Site Plan Approval is required for alterations or repairs, the Planning Board shall only require such information as reasonably necessary given the scope of proposed alteration or repair.

### **6A.5 Stormwater Management Facilities**

Stormwater management facilities shall comply with the following requirements:

- a) Calculations for pre-and post-development runoff based on the 100-year, 24-hour storm event shall be submitted to the Town Engineer upon application for Design and Site Plan Review.
- b) Where possible, roof drainage shall be piped directly into the ground via infiltration trenches and/or dry wells. Where possible, roads and paving areas shall be designed to allow absorption of runoff into adjacent pervious areas.
- c) Additional detention of post-development impervious surface discharge shall be provided to assure that peak storm discharge can be accommodated by and not prohibit additional discharge to the limited hydraulic capacity of the existing Town off-site storm drainage system.
- d) Stormwater management solutions shall be kept local within each Zone to minimize accumulation and the need for larger structures.
- e) Stormwater runoff shall be retained by open detention basins or by an underground chamber system similar to Cultec Contractor Chamber Systems, or equal. At least 50% of the required detention in each Zone shall be by underground chambers.
- f) Open detention basins shall have a water storage depth of no more than 3 feet at peak in the event of the 100-year storm. All detention basins or chambers shall have a controlled outlet so as not to exceed the capacity of the existing Town drainage system. Any exposed concrete retaining wall surfaces (both sides) shall be finished with natural stone to assure a visually attractive structure.
- g) Underground chambers in all traffic and parking areas shall be heavy duty and structurally capable of withstanding highway H-20 loading or the heaviest fire department vehicle whichever is greater. Chambers shall be aligned parallel to the contours. In so far as possible, underground chambers shall be constructed under proposed roadways and parking areas or within building foundations so as to limit the disturbance of existing natural open space.

- h) Excess roof drainage shall be piped directly to the underground detention chambers, while runoff from road and parking areas shall be passed through water quality inlets/deep sump catch basins to remove trash, debris and some amount of sediment and oil and grease from stormwater runoff. Stormwater discharge from the underground chambers shall be through a weir box or other device to carefully regulate discharge flows to the Town's storm drainage system.
- i) Disruption to existing tree cover and vegetation shall be minimized.
- j) All stormwater management facilities shall be the least visually obtrusive.
- k) Structures shall have all appurtenances carefully integrated to minimize visual presence.
- l) Dikes, berms and other required grading, shall be blended with the terrain and appropriately vegetated and landscaped.
- m) All walls, pipe structures and appurtenances shall be designed to assure public safety by devices which prevent climbing and other hazards.
- n) Open detention basins shall have retaining walls having a height (measured at the point of maximum vertical distance from grade) no greater than 4 feet and a length no greater than 100 feet.
- o) Redirection of stormwater shall not have an adverse effect on wetland areas within the McLean District.
- p) Open detention basins shall have sufficient outlet capacity to drain within five days following the 100-year storm event.

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

Where this Section 6A imposes a greater restriction upon uses or structures than is imposed by the remaining provisions of this By-Law, the provisions of this Section 6A shall control. Within the McLean District, more than one principal building may be erected on a lot, subject to the limitations of Section 4.3.5 and Section 4.3.6 regarding accessory buildings and recreational facilities, and subject to Design and Site Plan Review and the other limitations set forth in this Section 6A. The provisions of Section 5 and Section 6 of this By-Law shall apply to uses and structures within the McLean District, except that Sections 5.1.1 and 5.1.2 shall not apply. Within the McLean District, Wireless Telecommunications Facilities shall be allowed by Special Permit in accordance with Section 6.8.

#### **6A.7 Validity**

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