

Section 6D. CENTRAL/PALFREY SQUARES INTERIM PLANNING OVERLAY DISTRICT

Note: §6D was adopted under Article 8 at the 2009 Special Town Meeting.

6D.1 General

1. Purpose

The purpose of the Central/Palfrey Squares Interim Planning Overlay District (CP-IPOD) is to provide a temporary zoning and regulatory system for the development and/or redevelopment of land within the district while the Town engages in development of a comprehensive plan for the Town. The Central/Palfrey Area has recently had several property turnovers and is experiencing a shift from its former automotive related businesses to neighborhood oriented businesses. New development should complement the recent trends while mitigating adverse impacts on the natural environment, traffic, the local economy, and neighborhood character. The CP-IPOD provides a mechanism to allow for development that promotes sound land use planning goals and objectives during the course of the Town's comprehensive planning process.

2. Boundary of the Central/Palfrey Squares Interim Overlay Planning District

The CP-IPOD boundary is shown on the CP-IPOD map and is generally described as the parcels within the area bounded by Maple Street, Beech Street, and Trapelo Road; the parcels on the southern side of Trapelo Road extending from Beech Street to Walnut Street; the parcels on the southern side of Trapelo Road extending from parcel 14-236 to parcel 14-225; the parcels on the northern side of Trapelo Road extending from parcel 14-40 to parcel 27-53; and including parcels 14-36 and 14-38 all as listed on the Town's Tax Assessors' Map. The CP-IPOD boundaries shall be superimposed on the Town of Belmont Zoning District Map so as to indicate the extent of the CP-IPOD.

3. Applicability

The CP-IPOD shall be construed as overlaying other existing zoning districts. The CP-IPOD confers additional development rights that may be employed at the discretion of the property owner, subject to the requirements of this Section 6D.

CP-IPOD development projects shall be eligible for a Special Permit in accordance with Sections 6D.3 and 6D.4 to increase building height and/or exceed otherwise applicable square footage limitations.

a. Existing Zoning Districts

The CP-IPOD does not in any manner remove or alter the zoning rights permitted by the underlying, existing zoning districts.

4. Time Limitation

The provisions of this Section 6D shall expire upon final adjournment of the 2012 Annual Town Meeting.

6D.2 Development Projects

1. Eligible Development Projects

A development project shall be located on either a single lot, or on a single premises consisting of an assemblage of lots, whether or not in common ownership, having an area exceeding 12,000 square feet in size. Applicant must demonstrate legal site control of the properties.

2. Requirements

A Special Permit, subject to Section 7.4, shall be required for all projects submitted under this Section 6D.

a) Special Permit Granting Authority

The Special Permit Granting Authority shall be the Planning Board.

b) Special Permit Considerations:

- i. Relationship to existing abutting structures;
- ii. Mitigation of impacts on abutting properties;
- iii. Appropriateness of design and bulk;
- iv. Community benefits;
- v. Is increased size of the building, as allowed under the CP-IPOD Overlay Zoning District, necessary for the project to proceed;
- vi. Utilization of sustainable building techniques including use of permeable pavements;
- vii. All criteria as specified in Section 7.4.3; and
- viii. Conformity with Town of Belmont Planning Board Design Review Guidelines.

6D.3 Permitted Uses

The following uses shall be allowed within a CP-IPOD development project:

- a. Mixed use development projects consisting of any combination of retail sales, office, restaurant, movie theater, or art gallery, provided that at a minimum the first floor is reserved for commercial uses and that the development project includes a residential component and will be subject to the requirements of Section 6.10, Inclusionary Housing, and Section 6D.4.5;
- b. Retail sales and services;
- c. Office;
- d. Restaurants;

- e. Movie theaters; and,
- f. Art galleries.

6D.4 Performance Standards

1. Height of Structures

- a. A building height of 36 feet and 3 stories may be allowed taking into account the criteria provided in Sections 4.4 and 7.4.3 and subject to Section 6D.2 2.
- b. Building Height in the CP-IPOD is as defined in Section 1.4 of the Town's Zoning By-Law.
- c. Grade in the CP-IPOD is defined as the average of the ground level adjoining the building side nearest to and running parallel with Trapelo Road.
- d. Chimneys, towers and other projections not used for human occupancy may exceed the height limitations provided that any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit.

2. Setbacks

- a. Front: The maximum front setback shall be zero (0) feet for the front and street side facades.
- b. Side: The minimum side setback shall be zero (0) feet. When abutting a residential district, the minimum side setback shall be 20 feet.
- c. Rear: The minimum rear setback shall be zero (0) feet. When abutting a residential district, the minimum side setback shall be 20 feet.

The Planning Board may modify any setback requirement if, in its opinion, such modification will result in improved design.

3. Lot Coverage

Lot coverage of 35% may be increased up to 55% by taking into account the criteria provided in Section 4.4 and Section 7.4.3 and one or more of the following considerations:

- a. Provision of significant amount of open space on the site; and/or
- b. Provision of a green roof, as currently defined by the Green Building Council, on a minimum of 20% of the roof area of the structure; and/or
- c. Provision of increased front setback to allow an increase in actively used "public" sidewalk space, such as outdoor seating and/or gathering space.

4. Floor Area Ratio (FAR)

The FAR, not to exceed 2.75, may be allowed taking into account the criteria provided in Sections 4.4 and 7.4.3 and whether the project includes underground parking on the site.

5. Ground Floor Uses

The ground floor of any building shall be reserved for allowed business uses except as specified below:

- a. office use shall not exceed 2,500 square feet on the ground floor; and
- b. residential uses shall be allowed on ground floors of buildings where the building façade does not front on Trapelo Road and the Planning Board has determined that the street front residential use will not have an adverse impact on the continuity of the commercial street-front uses of other properties.

6D.5 Special Permit Application

All applications for a Special Permit in the CP-IPOD will follow Sections 7.4.4 and 7.4.5 of the Town of Belmont Zoning By-Law for the application procedures.

6D.6 Coordination with Other Provisions of By-Law

This Section 6D together with the rest of this By-Law constitutes the zoning regulations for the Central/Palfrey Squares Overlay District. Where conflicts exist between this Section 6D and the rest of the By-Law, the provisions of this Section shall govern.