



**SUBSTITUTE MOTION BY THE PLANNING BOARD
2016 ANNUAL TOWN MEETING
June 6, 2016
Draft as of May 25, 2016
(Subject to Change)**

**ARTICLE 6: RELATING TO THE CONSTRUCTION OF OVERSIZED DWELLING
UNITS IN THE SINGLE RESIDENCE C ZONING DISTRICTS**

MOVED: That under Article 6, the reading of the proposed Amendment to the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations" and 4.2.2, "Linear Requirements for Residential Districts", be dispensed with, the same being set forth in full under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Meeting and having been distributed to each Town Meeting Member. (Majority vote)

MOVED: That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations" and 4.2.2, "Linear Requirements for Residential Districts", as set forth under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Town Meeting. (Two-thirds vote)

MOVED: That the Town vote to amend Section 1.5.4 of the Belmont Zoning By-Law, "Nonconforming Single and Two-Family Residential Structures":

- a. By inserting the headings 'A. General Residence Zoning Districts', 'B. Single Residence C Zoning Districts', and 'C. All Other Districts', and
- b. By inserting new provisions under the heading for 'B. Single Residence C Zoning Districts',

so that Section 1.5.4 reads as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

A. General Residence Zoning Districts

[No change to existing first paragraph]

B. Single Residence C Zoning Districts

- (1) In the Single Residence C Zoning Districts, a nonconforming single- and two-family residential structure may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure.

The Building Commissioner may issue a Building Permit under any of the following circumstances:

- 1) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height. This clause shall apply-regardless of whether the lot complies with the current area and/or frontage requirements;
- 2) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- 3) A half-story addition to a nonconforming structure, that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

If the Building Commissioner determines that the proposed alteration or structural change does not meet any of the clauses listed above, a Special Permit shall be required from the Board of Appeals.

- (2) If the Building Commissioner determines that such proposed alteration or structural change increases the gross floor area of the nonconforming structure by more than thirty percent (30%) either as:
 - a) A standalone application, in and of itself, or
 - b) When combined with the gross floor area added to the structure during the five- year period preceding the date of the pending application

then the proposed alteration or structural changes shall require a Special Permit from the Planning Board.

- (3) A nonconforming single- or two-family structure may be reconstructed after voluntary demolition if the building as reconstructed will be located on the same footprint as the original nonconforming structure, and will be no greater in volume or gross floor area as the original nonconforming structure.

If the Building Commissioner determines that the proposed reconstruction would:

- a. cause the structure to exceed the volume or gross floor area of the original nonconforming structure or
- b. cause the structure to be located other than on the original footprint,

then a Special Permit shall be required from the Planning Board prior to such reconstruction.

- (4) The Planning Board may grant a Special Permit under this Section 1.5.4.B. (2) or (3) if it finds that the enlarged building:
 - a) Is generally in harmony with the neighborhood;
 - b) Will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
 - c) Is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties;
 - d) Will not increase the existing nonconforming lot coverage, if it exists; and,
 - e) Will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

- (5) In making any Special Permit decision pursuant to this Section 1.5.4.B. (2) or (3), the Planning Board shall consider the following:
 - a) Scale and design of the structure;
 - b) The siting of the structure and driveway;
 - c) Walkway, driveway and parking circulation;
 - d) Exterior lighting;
 - e) Open space and screening; and,
 - f) Drainage.

- (6) For the purposes of this Section 1.5.4.B., a nonconforming single- and two-family structure shall be defined as a single- and two-family structure on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the single- and two-family structure encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

An application for a Special Permit under this Section 1.5.4.B. shall comply with the procedures and requirements set forth in Section 7.4 of the Zoning By-law.

C. All Other Districts

[No changes to balance of Section 1.5.4.]

REPORTING: Planning Board and Warrant Committee
