

ARTICLE 5
Design and Site Plan Review (DSPR)

§5.1 General Provisions

a. Purpose.

- (1) Establish clear and predicable guidance to Applicants regarding Design and Site Plan Review (“DSPR”) of a Development.
- (2) Establish a list of necessary submittal documents and other materials regarding the individual DSPR requirements, from pre-Application submittal through occupancy.
- (3) Provide criteria for a reviewing authority to make a well-informed decision.

b. Authority.

- (1) These regulations governing DSPR are adopted under § 7.3.3(d) of the Zoning By-Law to create uniform procedures and standards for reviewing Design and Site Plans submitted to the Town.
- (2) **Waiver.** The Planning Board may in any particular case, where such action is allowed by law, in the public interest and not inconsistent with the purpose and intent of Design and Site Plan Review, waive strict compliance with these Rules and Regulations.

Commented [A1]: The waiver process is the one most at risk of bad outcomes. At the very least, a formal process for the waivers is required. That process must include: what was asked for, how it deviates from standard requirements, and why it was accepted or rejected. This needs to be explained in writing with the decision, not just orally before a vote. It is important that such waivers be objective, evenly applied in similar circumstances, and appropriately analyzed.

c. Applicability.

- (1) These regulations apply to all Developments requiring DSPR under §7.3 of the Zoning By-Law.
- (2) The Planning Board is responsible for acting on complete DSPR Applications.
- (3) **Compliance.** The Inspector of Buildings shall not issue a building permit or certificate of occupancy under the Building Code for any structure requiring DSPR unless the Planning Board or its designee has approved the Design and Site Plan and the Development complies with all conditions of the approval.
- (4) **Levels of Review.** As per §7.3.5 of the Zoning By-Law, Applications for DSPR are categorized as Levels 1, 2, 3, and 4 based on the type and scale of the proposed Development.

§5.2 Pre-Application Steps

Based on the Development level (refer to Table 7.3-1 in the Zoning By-Law), Applicants

may be required to complete one or more pre-Application steps as provided below prior to making a formal Application.

a. Informal Staff Consultation

Applicants are strongly encouraged to schedule one or more informal pre-Application meetings with Planning Division staff to review applicable zoning standards, Development goals, and Application procedures prior to formal submission. Typically, such a meeting should occur prior to the Development Review Team (DRT) meeting noted below.

b. Development Review Meeting (Pre-Submittal)

(1) Purpose and Applicability. A pre-submittal Development Review Meeting is required for Level 3 and 4 Developments and is optional for Levels 1 and 2. The purpose and applicability of a Pre-Submittal Meeting is:

- (a) to inform Applicants of relevant review Application criteria, standards, and procedures;
- (b) to examine permitting history for the subject site; and
- (c) to identify any potential concerns early in the review process.

The Development Review Meeting shall constitute the Town's formal pre-Application review by the Development Review Team.

(2) Procedure

- (a) Applicants shall submit to the OPB Director a program statement in narrative form, a zoning analysis of the proposed Development, preliminary Site Plan, and perspective massing studies and other materials requested by the OPB Director and the Development Review Team.
- (b) At the Development Review Meeting, the Applicant will be expected to discuss at minimum the following criteria of the proposed Development, as applicable:

- (i) The location of the site.
- (ii) The existing conditions on the site
- (iii) Easements as may be located on the Lot
- (iv) What is adjacent and in the proximity of the site?
- (v) The zoning district(s) the site is located within
- (vi) What the Applicant proposes to build on the site, where the buildings will be located, and how the proposed buildings will appear
- (vii) The dimensional and density requirements of the district and how the proposed Development will comply?
- (viii) The number of residential units that are proposed, their location,

Commented [A2]: Use consistent capitalization in the lines here. Probably semi-colons.

Commented [A3]: Not parallel structure.

- and the unit types and sizes.
- (viii) The number of affordable housing units where those units will be located, and their types and sizes
- (ix) How much commercial space will be developed, their location, and size of spaces
- (x) The number of automobile and bicycle parking spaces that are required and the number the Applicant proposes. Note the location of the parking spaces ~~be located~~, the means of vehicular and pedestrian ingress and egress, and the internal circulation for the site.
- (xi) Note the anticipated stormwater management strategies proposed for the site.
- (xii) The signage and lighting plan for the property.
- (xiii) The plan for landscaping, Screening, or buffering in the development.

If a Development has an affordable housing component, OPB may ask the Applicant to appear before the Belmont Housing Trust (BHT) and obtain a letter of consistency from the BHT stating that the affordable housing component of the plan, as proposed, is satisfactory under the Zoning Bylaw and state requirements, or OPB may provide such a letter.

- (c) The Development Review Meeting shall be held no later than 10 days from written request received.
 - (d) If the Application also requires a Public Informational Meeting, a Development Review Meeting shall occur at least 14 days before the Public Informational Meeting.
- c. Public Informational Meeting (Pre-Submittal)
- (1) Purpose and Applicability
 - (a) To provide the public with an opportunity to review a schematic design plan and to communicate potential impacts.
 - (b) To promote Application submittals that are responsive to community concerns.
 - (c) Required for Level 4 Applications; permitted for Level 3 Applications.
 - (d) The meeting may include a preliminary design presentation to the Planning Board and public.
 - (2) Procedure
 - (a) At least 14 days prior to any formal submittal of the Design and Site Plan and Review Application, in consultation with the OPB Director, Applicants or their representatives shall schedule a Public Information Meeting as a special Planning Board meeting.

Commented [A4]: Implies these are not *allowed* for Level 1 or 2. Is that the case?

(b) It is recommended that the Applicant communicate with abutters and other primary stakeholders to determine their concerns;

Commented [A5]: Is this a known term?

(c) Notice of the meeting shall be distributed to the public at large and abutters to the Development site within 300’;

Commented [A6]: Two issues. First, this approach should be incorporated into the bylaw where you now say “abutters”. Second, the town’s default meeting notices are flimsy postcards that often don’t arrive. For major projects, non-delivery is a big problem.

(d) Applicants shall bring to the meeting all materials and information required by the OPB Director. This may include:

- (i) Pre-Application criteria
- (ii) Preliminary design materials, which may be presented as part of a combined public informational meeting and preliminary design presentation;
- (iii) Other information deemed applicable by the OPB Director based on findings of the Pre-Application Meeting.

(e) Applicant shall provide an overview of the proposed Development for the public, including information outlined in Section 5.2.b.2.c above.

(f) The OPB Director will make available to the public:

- (i) verification of required notice;
- (ii) the date, time, and location of the meeting;
- (iii) an attendance sheet;
- (iv) copies of all materials the Applicant provided at the meeting; and
- (v) a summary of comments and issues discussed.

Commented [A8]: Again, these should be posted ahead of time.

(g) The Applicant shall provide to the OPB Director a detailed report summarizing the concerns and questions raised at the meeting and a description of any proposed changes to the development as a result community input.

Commented [A9]: Would the meeting be recorded? Even if not on BMC, audio recording along with an AI-generated transcript and summary would be quite useful and easier for staff to prepare. This record is particularly important on controversial projects.

Commented [A10]: Useful, but not sufficient. Applicant has incentive to omit, simplify, or spin issues from the meeting to its advantage (just look at applicant-generated fiscal impact reports). OPB needs to be the party ultimately responsible for an accurate representation of meeting issues.

d. Preliminary Design Presentation (Pre-Submittal)

(1) Purpose

- (a) To provide the Planning Board and the public with an initial presentation of a proposed Development’s design concept;
- (b) To allow the Planning Board and staff to offer preliminary, non-binding feedback on Building and site design potential impacts therefrom; and
- (c) To inform the preparation of a complete Design and Site Plan Review Application.

(2) Applicability

- (a) A Preliminary Design Presentation is optional for all Applications, unless otherwise required by the OPB Director or Planning Board based on the required design criteria for the zoning or overlay district in which the Development is located.
 - (b) The Preliminary Design Presentation may be conducted as part of the Public Informational Meeting or as a separate Planning Board meeting, as determined by the OPB Director in consultation with the Applicant.
- (3) Procedure
- (a) The Applicant may request, or the OPB Director may require, a Preliminary Design Presentation as part of a Public Information Meeting.
 - (b) The Applicant shall present materials including but not limited to:
 - (i) Development description.
 - (ii) Strategies to meet Town standards and requirements.
 - (iii) Impact statement and mitigation strategies including those to address neighborhood concerns.
 - (iv) Existing and proposed Site Plan and renderings that include the general massing of structures on abutting properties.
 - (v) The OPB Director may request additional materials.
 - (c) The Planning and Building Director shall present the Development Review Committee Preliminary Report at this or a subsequent meeting.
- e. Preliminary Scoping Report.
- (1) The purpose of the Preliminary Scoping Report is for the Development Review Committee to:
 - (a) Provide an initial assessment of compliance or impact;
 - (b) address required Application review materials; and
 - (c) identify or recommend potential need for technical reviews pursuant to M.G.L. Chapter 44 Section 53G.
 - (2) Applicability
 - (a) A Preliminary Scoping Report is required for all Developments that meet the threshold for Level 2, 3, and 4 Developments as specified in Table 7.3-2 in the Zoning By-Law.
 - (3) Procedure. For all Level 3 or 4 DSPR Developments, the OPB Director shall present at the Public Information Meeting or at a subsequent meeting before the Planning Board a Scoping Report that coordinates preliminary issues

scoped by the Development Review Team.

§5.3 Application Submission

- a. A complete Application for DSPR shall be submitted on the appropriate Application form. This form is available online on the Town of Belmont Planning Board website or a hard copy can be available at the Office of Planning and Building (OPB).
- b. Three (3) hard copies of the Application shall be submitted to the OPB during posted business hours. Submittals must be collated and assembled as three (3) individual and complete “packages”. The Applicant may request and shall be entitled to a written receipt for the materials submitted. Applications for DSPR shall also be submitted in digital form as a complete, consolidated PDF file containing all required materials, including plans, reports, and supporting documentation. The digital submission shall be provided via the Town’s online permitting system or by email to the OPB, as directed by the Planning Board or its designee. All digital submission materials shall be legible, to scale where applicable, and identical in content to any required hard copy submission, and shall comply with any file format, naming, or organization requirements established by the Planning Board or its designee. The date of filing shall be considered the date upon which two (2) hard copies of the Application has been filed and stamped by the Belmont Town Clerk as required in these Rules.
- c. No Application shall be considered complete unless accompanied by the required fees. For applicable fee(s) for DSPR, please refer to §3.1 Fees. Application fees are not refundable.
- d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale noted in Table 5-1 below or an alternative size acceptable to the Board.
- e. Table 5-1 below lists the materials required for Development Applications by each of the four established levels. Many items note that the materials are “as applicable” to a level or Development type. However, these notations are not exclusive and an Applicant may determine that one or more materials are not applicable to the Development and the Application narrative should so specify. The Planning Board will make the final determination of applicability.

Commented [A11]: “obtained from” instead of “available at”

Commented [A12]: Since different sections will require varying levels of revision, the consolidated PDF may quickly become obsolete. Requiring a new consolidated package each time will make it challenging for reviewers to focus just on what has changed.

Can the permitting system enable structuring each proposal into key sub-sections, and then show staff and the PB all of them via the integrated view window? That would allow revisions to particular sections to be done independently and I think would simplify document flow and comparisons.

Commented [A13]: Is this a section in the zoning bylaw or the Rules and Regs? Is there a standard way towns differentiate these docs in their naming, since we will have similar section numbers in both? For example, state statutes are referenced as MGL first. Federal regs are CFR (Code of Federal Regulations).

Table 5-1 – Materials Required for a Complete Application, By Development Level

REQUIRED APPLICATION MATERIALS	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
(1) A completed Application form, signed by the Applicant.	x	x	x	x
(2) Required Application and other applicable fees and deposits made in full.	x	x	x	x

REQUIRED APPLICATION MATERIALS	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
(3) Demonstration of site control. Name and address of owner of record. If Applicant is the owner's representative, a statement of consent from owner of record.	X	X	X	X
(4) Names of each member of the Development team, including respective roles and contact information.	X	X	X	X
(5) Documentation of completion of pre-Application steps, as may be applicable		X	X	X
(6) Development narrative describing:				
(a) The Development concept		X	X	X
(b) Compliance with the overall purpose and intent of the Zoning By-Law and the purpose and intent of the district in which the Development is located.		X	X	X
(c) A zoning compliance summary matrix demonstrating how the Development conforms to applicable provisions of the base zoning or any overlay or special district, as applicable		X	X	X
(d) A list of any waivers or modifications requested from the Planning Board Rules and Regulations, if applicable. Waivers must include identification of the provision or provisions in the By-Law or Rules subject to the waiver request and provide a clear justification for seeking the waiver	X	X	X	X
(7) Site context plan depicting the subject parcel and surrounding parcels within a 300' radius including existing buildings, zoning districts, public Rights-of-Way, and transportation access.		X	X	X
(8) Sketch Plan, as applicable¹	X			
(9) Site Plan of existing conditions and of proposed conditions (separate sheets):		X	X	X
(a) Stamp and signature of a Massachusetts certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts		X	X	X
(b) Name of Development		X	X	X
(c) Sheet Title and Date		X	X	X
(d) Owner Name and Names of Abutters		X	X	X
(e) Scale at 1" = 10' for sites up to 30,000 square feet, 1" = 20' for sites from 30,000 square feet to one acre, and 1" = 40' for sites larger than one acre.		X	X	X
(f) Plans shall be prepared on the Massachusetts State Plane Coordinate System (Mainland Zone), NAD 83 (latest adjustment). All elevations shall be referenced to NAVD 88. Where applicable, the plan shall identify the conversion, if any, between NAVD 88 and the Town of Belmont/Boston City Base datum. The Applicant shall reference at least one known Town or other publicly established benchmark, including its published elevation and datum.		X	X	X
(g) True North Arrow		X	X	X
(h) Property lines with bearings and distances		X	X	X
(i) Lot area in square feet and Assessor's Block and Lot numbers indicated		X	X	X
(j) Limits of pavement		X	X	X
(k) Building location, footprint dimensions, elevation, including dimensions of abutting structures within five feet of a shared Lot Line		X	X	X
(l) Grading plan with two-foot contour intervals with spot grades at Building foundation, driveways, ramps.		General grading concept only	X	X
(m) All easements, public and private		X	X	X

REQUIRED APPLICATION MATERIALS	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
(n) Abutting sidewalks, streets, and right of ways		X	X	X
(o) Utilities (water, sewer, drain, gas, and electric) including the location, size, and type of existing and proposed mains, services, and structures, and the location of hydrants		General layout only	X	X
(p) Public shade trees within property frontage including location, caliper, species		X	X	X
(q) Trees on site greater than 9" in diameter, including location and species. Trees proposed to be removed shall be indicated.		X	X	X
(r) Total impervious area (existing and proposed)		X	X	X
(s) Ten-foot horizontal offset water (domestic and fire) from sanitary sewer		X	X	X
(t) Rock outcroppings and natural vegetation, as applicable		X	X	X
(u) Lighting plan that includes a photometric diagram and includes types of fixtures, projected footcandles, and location on the site plan.		Lighting fixture layout only	X	X
(v) Location of all signage on site including business signage and directional and site informational signage plus a sheet showing the sign program proposed with dimensions.		X	X	X
(w) Location of snow storage areas on site		X	X	X
(x) Current zoning and any overlaying districts (e.g., floodplain)		X	X	X
(y) Zoning compliance table showing conformance with dimensional and parking requirements for applicable base and overlay zoning districts		X	X	X
(10) Architectural Drawings and Demonstration of Zoning Compliance				
(a) Floor area for residential, commercial, and parking areas		X	X	X
(b) Dimensional labels indicating setbacks, stepbacks, floor to floor heights, and overall Building Heights, as applicable		X	X	X
(c) Site sections with cross-cuts representing proposed Building and subterranean structures, rooftop structures, screening and including front, side, rear abutters, as applicable			X	X
(d) Elevations, as applicable		X	X	X
(e) Floor plans, as applicable		X	X	X
(f) Roof plan, as applicable		X	X	X
(g) Three-dimensional massing drawings or rendered perspective drawings, as applicable		X	X	X
(h) Electronic 3D model with proposed Building, and the massing of abutting structures			X	X
(i) Proposed exterior materials (description, spec sheets, and samples)		X	X	X
(j) Graphical demonstration that projections such as balconies will not create a hazard to pedestrians, as applicable		X	X	X
(k) Demonstration that Building entrances are accessible in compliance with 521 CMR (Architectural Access Board)		X	X	X
(l) Demonstration that applicable building design requirements are met		X	X	X
(m) For excavation for proposed underground structures, a narrative describing excavation method, how abutting structures will be protected, and, if excavation and construction into the groundwater table is proposed, how impacts to groundwater would be mitigated		X	X	X
(n) Photographic documentation of existing conditions and other photographs which may provide clarity on Development design	X			

REQUIRED APPLICATION MATERIALS	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
(11) Landscaping, Screening, & Streetscape Elements - The Plan set shall have a landscaping plan and a landscaping details page which shall provide, at a minimum, the following information:		X	X	X
(a) Proposed ground cover, plant location and species		X	X	X
(b) Fence or wall locations and materials detail, as applicable		X	X	X
(c) Dimensional labels indicating height of proposed screening or buffering elements		X	X	X
(d) Hardscape materials, as applicable (description, spec sheets, and samples)		X	X	X
(e) A pedestrian access, circulation and amenities plan showing sidewalks, paths, Street trees, lighting, seating, and other Street furniture, as applicable		X	X	X
(f) Plans for any publicly accessible open space or civic space, including proposed treatments, materials, and furnishings, as applicable		X	X	X
(12) Landscaping Sketch Plan	X			
(13) Transportation & Mobility				
(a) A diagram demonstrating that all driveways within 20 feet of a Lot Line have a slope of less than 10 percent		X	X	X
(b) A diagram delineating the cone of visibility related ingress and egress based on AASHTO standards		X	X	X
(c) The design of all long-term and short-term Bicycle Parking Spaces including any ramps and access ways			X	X
(d) The layout of parking areas, including access ways, dimensions of stalls and drive aisles, as applicable	X	X	X	X
(e) Location and dimensions of accessible parking spaces and demonstration they are designed to comply with accessibility standards, as applicable		X	X	X
(f) All pedestrian pathways including grade and demonstration that they are designed to meet safety standards and accessibility standards		X	X	X
(g) A Transportation Demand Management Plan as may be required of the Applicant			X	X
(h) Developments with 50,000 square feet of additional floor area or 20 motor vehicle parking spaces or more are required to submit a Transportation Impact Study and Transportation Access Plan, as specified in the Transportation Access Plan Guidelines. The Development Review Team (DRT) led by the Engineering Division, will evaluate such plans for appropriate mitigation measures that will serve as the basis of a Transportation Access Plan Agreement				X
(14) Solid Waste Management				
(a) The number, size, and location of trash and recycling receptacles for residential and Commercial Uses and any food waste generated by Commercial Uses		X	X	X
(b) The number of trash compactors, as applicable			X	X
(c) The location, size, and materials of the trash/recycling storage area or enclosure			X	X
(d) The frequency of trash and recycling pick-up shall be provided in the Development narrative			X	X
(e) The location of trash/recycling pick-up and if such pick-up will be privately managed			X	X

REQUIRED APPLICATION MATERIALS	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
(f) Any noise or odor control measures shall be provided in the Development narrative		X	X	X
(g) Demonstration of compliance with any standards or guidelines set forth by State and/or Health Department	X	X	X	X
(15) Environmental				
(a) Stormwater Management and Erosion Control Plan, as applicable, meeting the requirements of §60-325 of the General Bylaws.		X	X	X
(b) Developments involving significant excavation, retaining walls, or new foundations shall provide a geotechnical engineering report assessing subsurface conditions, groundwater, and slope stability. The report shall demonstrate that construction methods will not adversely affect adjacent properties.			X	X
(16) Housing (as applicable) Note that any Development that includes at least 6 new housing units shall provide documentation sufficient for the Housing Trust to evaluate the Development's adherence with the Town Inclusionary Housing Bylaw (Section 6.10) and to provide a recommendation to the Planning Board.				
(a) Total number of housing units proposed (by bedroom type and owner vs. rental)		X	X	X
(b) Number of accessible units		X	X	X
(c) Number of affordable housing units, as required per Zoning By-Law §6.10		X	X	X
i. Unit count (by bedroom type)		X	X	X
ii. Level of affordability (e.g., 80% AMI)		X	X	X
iii. Draft Regulatory Agreement		X	X	X
iv. EOHLC LAU Application Packet		X	X	X
• LAU Application		X	X	X
• Draft Regulatory Agreement		X	X	X
• Unit Counts		X	X	X
• Rental Rate Calculator (for rental Developments only)		X	X	X
• Local preference justification		X	X	X
• Draft Deed Rider		X	X	X
• Affirmative Fair Housing Marketing Plan (by certified lottery agent)		X	X	X
v. Letter of Inclusionary Housing Consistency		X	X	X
(17) Construction Management Plan (CMP), as applicable				
See the requirements for a CMP in §7.2 below.		X	X	X
(18) Statement of Impact(s) and Proposed On- and Off-Site Mitigation				
(a) Describe potential impacts and proposed mitigation measures including improvements in the public way		X	X	X

Notes:

¹ Level 1 site plan submittals may require a certified plot plan or, in some cases, simply a site sketch prepared by an architect, civil engineer, landscape architect or similar professional and including those elements necessary to evaluate the proposal.

§5.4 Process and Procedures

Sections 7.3.6 and 7.3.7 of the Zoning By-Law provide the pre-Application and Application procedures for DSPR Applications.

a. Review Process

All DSPR Applications shall follow the process as described in Section 7.3 of the Belmont Zoning By-Law, including:

- (1) Meeting the applicable pre-Application steps as per §7.3.6
- (2) Provision of public notice
- (3) Conducting a duly noticed public hearing within 45 days of receipt of an Application
- (4) Making a decision on that Application including:
 - (a) Evaluating the standards for compliance and review criteria as noted in §7.3.9 of the By-Law
 - (b) Making findings based on such evaluation
 - (c) Issuing a decision instrument that includes background and Development information, findings, waivers and Board action thereto, standard conditions, and special conditions as applicable.

b. Application for Design and Site Plan approval shall be made to the Town Clerk and the Office of Planning and Building during normal business hours on forms provided for that purpose, accompanied by the required fee and all Application materials, as applicable, according to the submission requirements of §5.3 above.

c. Upon receipt of the DSPR Application, the Planning Division shall transmit one copy each to all applicable and appropriate members of the Development Review Team (DRT), such as Planning, Conservation Commission, Building, Health, Police, Fire Chief, Public Works, and Belmont Light. Each applicable member shall review the Application and provide comments back to the Planning Division for review by the Planning Board. Boards and departments may recommend conditions or remedial measures to accommodate or to mitigate the expected impacts of the development. DRT members are expected to provide a written response even if only to say they have no comments. The Board shall not render a decision until it has received all board and department reports. However, if reports are not returned to the Planning Board within 15 days of the request, the Board shall assume that the department, board, or committee has no comment on the plan.

d. A quorum of three (3) members of the Board must be present for a DSPR public hearing. A majority of the quorum is necessary to take action on an Application.

e. A public meeting shall be required for Level 2 (Minor) DSPR. This shall consist of standard notification and posting as per the Open Meeting Law.

f. A public hearing shall be required for every Level 3 and 4 DSPR Application. The public hearing notice shall be published in a newspaper of general circulation once in each of two successive weeks, the first publication not less than fourteen (14) days before the hearing. Notice shall also be sent to landowners as per the requirements of

Commented [A14]: This creates a default of no action, which is very problematic if people are just busy or a project is large. Where a decision may be politically difficult, this also creates an opt-out strategy to avoid a formal position statement that is not in the interest of the town. The focus of these Rules & Regs should be on how you can simplify the review process for the other town departments so giving their expertise takes less of these time. It should not be to hard-wire ambiguity into your process.

Commented [A15]: This allows 2 people of a 5-member board to sign-off on decisions. Is that what you are intending? Doesn't that conflict with the rules on other decisions, where a majority of the Board, not of the quorum, is needed?

MGL c. 40A § 11 at least two (2) weeks before the hearing.

- g. The Planning Board or its designee shall review and act upon the DSPR Application, requiring such conditions as necessary to satisfy the approval criteria and the Zoning By-Law, and notify the Applicant of its decision. The decision shall be in writing and shall be rendered within 45 days (for a Level 2 DSPR) and 90 days (for a Level 3 or 4 DSPR) from the date of submission of a complete Application.
- h. The Applicant may request, in writing, and the Planning Board may grant by majority vote as constituted, an extension of the time limits set forth herein.
- i. The Applicant shall satisfy or comply with all conditions of the DSPR decision.

Commented [A16]: First, the language used to describe required voting should be consistent. Second, are you again allowing only two members of a five-person board to authorize extensions? Third, where is the language regarding the circumstances or conditions under which the town's review deadline gets extended? As noted elsewhere, there needs to be no pathway by which a developer can manage the timeline on their materials or responses such that they expedite a default approval with inadequate review.

Table 5-2 – Application Steps by Level

Level	Pre-Application Steps	Application Submission Steps	Post-Decision Steps
1	1. Informal Staff Consultation* 2. Determine Development Threshold	1. Submit Application and Application Materials 2. Pay Required Fees	1. Filed with Town Clerk 2. Apply for Building Permit
2	1. Informal Staff Consultation* 2. Determine Development Threshold 3. Pre-Submittal Development Review Meeting* 4. Pre-Submittal Preliminary Design Presentation* 5. Preliminary Scoping Report	1. Submit Application and Application Materials 2. Pay Required Fees	1. Filed with Town Clerk 2. Apply for Building Permit
3	1. Informal Staff Consultation* 2. Determine Development Threshold 3. Pre-Submittal Development Review Meeting 4. Pre-Submittal Public Informational Meeting* 5. Pre-Submittal Preliminary Design Presentation* 6. Preliminary Scoping Report	1. Submit Application and Application Materials 2. Pay Required Fees	1. Filed with Town Clerk 2. Apply for Building Permit
4	1. Informal Staff Consultation* 2. Determine Development Threshold 3. Pre-Submittal Development Review Meeting 4. Pre-Submittal Public Informational Meeting 5. Pre-Submittal Preliminary Design Presentation* 6. Preliminary Scoping Report	1. Submit Application and Application Materials 2. Pay Required Fees	1. Filed with Town Clerk 2. Apply for Building Permit

Commented [A17]: Somewhere between submitting an application and post-decision, there may be revisions, additions, and clarifications to that application to address issues and gaps flagged in the review. Where are these showing up on your table? Or is your assumption that all of these issues will be found, vetted, and addressed in Pre-application? If so, that column should note revisions as a delineated step.

* Optional

§5.5 Development Review Standards and Criteria

- a. General Standards

- (1) Whether the Application and supporting materials meet the minimum requirements of a complete Application.
 - (2) Whether the pre-Application steps, as applicable to the level of Application, have been followed, and whether any findings during these steps—_have been adequately incorporated in the submission materials.
 - (3) Meets or exceeds the standards of §7.3.9 b.
 - (4) Adherence with the provisions of the zoning district and/or overlay or special district in which the Development is located;
 - (5) Whether the Applicant has provided any additional materials requested by the Planning Board, including any peer review consulting reports or recommendations, and their adequacy.
- b. Limited Review Standards for Ch. 40A, §3 Developments
- (1) The Planning Board shall apply reasonable regulations in the review of educational, religious, childcare, and other uses protected under M.G.L. c. 40A, § 3, consistent with applicable case law. Such regulations shall not be applied in a manner that renders a protected use infeasible or impracticable, and shall be comparable, where appropriate, to those applied to other uses through Design and Site Plan Review.
 - (2) Review shall be limited to reasonable regulation of site planning and dimensional characteristics, including but not limited to:
 - (i) bulk, height, and massing of structures;
 - (ii) yard sizes, setbacks, and lot area;
 - (iii) building coverage and open space;
 - (iv) parking, loading, access, and circulation;
 - (v) traffic and pedestrian safety;
 - (vi) drainage, stormwater management, and utilities;
 - (vii) lighting, landscaping, and buffering; and
 - (viii) other site design considerations reasonably related to public health, safety, and welfare.
- c. Application requirements shall be limited to materials reasonably necessary to evaluate the foregoing criteria.
- d. The Planning Board or its designee shall waive any standards which are not reasonable as applied in a particular case or which effectively prohibit a protected use.
- e. The Planning Board or its designee may impose reasonable conditions necessary to satisfy the standards not waived.

§5.6 Decision, Findings, and Conditions

a. Governing Criteria

The Planning Board shall evaluate all Design and Site Plan Review Applications in accordance with the applicable standards and criteria set forth in §7.3.9 and §7.3.10 of the Zoning By-Law.

Nothing in these Rules and Regulations shall be construed to establish independent grounds for approval or denial beyond those set forth in the Zoning By-Law.

b. Findings

(1) Decisions of the Planning Board shall be based on written findings that the proposed Development complies with the applicable provisions of the By-Law.

(2) Findings shall reference the relevant standards of §7.3.9 and §7.3.10 and, where applicable, any other specific provisions of the By-Law.

(3) The Board may rely on materials submitted by the Applicant, reports of Town staff, recommendations of the Development Review Team, and peer review consultants in making its findings.

c. Conditions of Approval

(1) The Planning Board may impose reasonable standard and/or special conditions consistent with the By-Law and Massachusetts General Laws to ensure compliance with applicable standards and to mitigate site-specific impacts.

(2) Generally, conditions may include, but are not limited to:

- (a) Measures to mitigate impacts on abutting Lots and public infrastructure;
- (b) Requirements for construction management, phasing, or sequencing, as applicable;
- (c) Compliance with applicable Town regulations, permits, and approvals;
- (d) Monitoring, reporting, or inspection requirements; and
- (e) Other measures reasonably related to the Development and necessary to ensure consistency with the By-Law.

(3) Conditions shall:

- (a) Be clearly stated and reasonably related to the impacts of the proposed Development;

Commented [A18]: This language restricts the ability to mitigate impacts on nearby lots even if those lots are not directly abutting.

- (b) Identify any required timing, sequencing, or ongoing obligations; and
- (c) Be enforceable by the Town.

d. Standard and Special Conditions

- (1) Standard Conditions are routine, broadly applicable requirements that may be applied, as appropriate, to most approvals depending on the nature, scale, and impacts of the Development. The following Standard Conditions may be applied, in whole or in part, to Design and Site Plan Review approvals as determined by the Planning Board, the Planning Board shall not be required to include these in every decision, and may choose to exclude them as applicable:
- (a) The Development shall comply with all applicable provisions of the Belmont Zoning By-Law, General By-Laws, and other applicable laws and regulations, and all work performed shall be thereto compliant.
 - (b) The Applicant shall obtain all necessary permits and approvals, as applicable, including from the Department of Public Works, Board of Health, and Belmont Light, as applicable.
 - (c) All required fees and costs associated with the approval process and inspections shall be paid.
 - (d) If applicable, the Applicant shall submit the Stormwater Pollution Prevention Plan, as required by the NPDES General Permit and § 60-325, Stormwater management and erosion control.
 - (e) All construction debris shall be disposed of in compliance with applicable local and state laws.
 - (f) The Decision shall be recorded at the North Middlesex Registry of Deeds, filed with the Belmont Town Clerk, and a copy of the recording shall be submitted to the OPB. Furthermore, this recorded Decision shall be posted on the Development site along with the Building Permit.
 - (g) Disturbed areas shall be stabilized and restored in accordance with approved plans and applicable erosion and sedimentation control standards.
 - (h) Prior to the commencement of construction, the Applicant shall submit a construction schedule, consistent with the approved Construction Management Plan (CMP), if applicable, to the Planning Board or its designee. The purpose of the schedule shall be to coordinate inspections at appropriate stages of construction. Inspections shall be conducted at such stages as determined by the Planning Board or its designee. Any work that is covered, concealed, or otherwise made unavailable for inspection prior to such inspection may be required to be uncovered or removed at the Applicant's expense to allow for proper inspection.

Failure to provide reasonable access for inspection may result in the suspension of further work until compliance is achieved.

- (i) Modification of Plans. Modifications of plans, whether minor or more substantial, shall adhere to the requirements of § 7.3.11 of the Zoning By-Law.
 - (j) If earth movement and/or blasting activities occur at the site, a water truck shall be present to ameliorate dust.
 - (k) Hours of operation related to the construction of the Development (site work only) shall be limited to 7:00 AM to 5:00 PM, Monday through Friday, 8:00 AM to 4:00 PM on Saturday, unless the Planning Board determines that further restriction is required. No construction work shall take place on Sundays.
 - (l) All work shall conform to the Town of Belmont Zoning Bylaws and the Planning Board's decision and conditions of approval.
 - (m) All site improvements, including landscaping, drainage facilities, lighting, and other features, shall be maintained in good condition and in accordance with the approved plans for the life of the Development.
 - (n) The Applicant shall indemnify and hold harmless the Town of Belmont from any claims arising out of the construction or operation of the Development, to the extent permitted by law.
 - (o) Prior to issuance of a Certificate of Occupancy, the Applicant shall submit as-built plans, certified by a registered professional, demonstrating that the Development has been constructed in substantial conformance with the approved plans.
 - (p) This decision shall lapse if a substantial use thereof or construction has not begun, except for good cause, within 36 months of issuance (excluding such time required to pursue or await determination of an appeal).
 - (q) Each condition of this Decision shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.
- (2) Special conditions are Development specific requirements that are tailored to the characteristics, impacts, or circumstances of an individual Development. Special Conditions are imposed based on the Planning Board's findings and are intended to address site-specific impacts, ensure compliance with applicable review criteria, and mitigate adverse effects of the proposed Development.
- e. Advisory Guidance and External Standards

Commented [A19]: See comments on this in the bylaw.

Commented [A20]: Would financial assurance be under this category? The general terms on what is acceptable assurance should be somewhere in our bylaws.

(1) In applying the Zoning By-Law, the Planning Board may consider:

- (a) Reports and recommendations from Town boards, departments, and consultants;
- (b) Applicable provisions of the General By-Law; and
- (c) Any advisory design guidelines adopted by the Planning Board.

(2) Such materials are intended to inform the Board's analysis and the imposition of reasonable conditions, but shall not constitute independent bases for denial where a Development otherwise complies with the Zoning By-Law.

f. Omission

The omission of a specific standard, guideline, or reference in these Rules and Regulations shall not relieve an Applicant from compliance with all applicable provisions of the By-Law or other applicable laws and regulations.

§5.7 Adjustments and Modifications to Approvals

a. Applicability

- (1) Requests to adjust or modify an approved Design and Site Plan shall be classified and reviewed in accordance with §7.3.11 of the Zoning By-Law.
- (2) All such requests shall be treated as a Level 1, 2, 3, or 4 Development Application, based on the thresholds set forth in Table 7.3-1 of the Zoning By-Law, and shall be processed in accordance with the procedures applicable to that level.

b. Classification of Modifications

(1) General Rule

A request for modification shall be classified based on the scope and impact of the proposed change, considering the Development as modified.

(2) Adjustments to Conditions

Requests to modify a condition of approval shall be classified as a Development proposal one level below the level applied to the original Development, consistent with §7.3.11.

Commented [A21]: I am not clear on what this language means.

(3) Prevention of Segmentation

Modification requests shall not be used to avoid applicable review thresholds. The Director of the Office of Planning and Building (for Level 1 proposals) or the Planning Board (for Level 2–4 proposals) may require that a modification be reviewed at a higher level where warranted, consistent with §7.3.11.

c. Administrative Clarifications

(1) Level 1 Modifications

Modifications classified as Level 1 may be reviewed and approved administratively by the Director of the Office of Planning and Building.

(2) Illustrative Examples

The Planning Board may, from time to time, identify categories of changes that are typically considered Level 1 modifications. Such examples are intended as guidance only and shall not limit the authority of the Director or the Planning Board to classify a modification based on its specific impacts.

d. Documentation

All modification requests shall include a written description of the proposed changes and supporting plans sufficient to determine the appropriate level of review. All decisions regarding modifications shall be documented and included in the Development file.

e. Guidance on Classification of Modifications

In classifying modification requests under §7.3.11, the Director of the Office of Planning and Building and the Planning Board shall consider the nature, scale, and potential impacts of the proposed change relative to the approved Development.

The following are illustrative examples intended to guide classification. These examples are not exhaustive and shall not limit the authority to determine the appropriate level of review based on the specific circumstances of a proposal.

(1) Changes Typically Considered Level 1

- Minor façade or material changes that do not alter the overall design intent
- Interior modifications not affecting use, parking demand, or building envelope
- Minor landscaping substitutions or adjustments
- Adjustments required to comply with Building Code or other applicable laws
- Minor shifts in site features that do not affect circulation, drainage, or setbacks

(2) Changes That Likely Warrant Higher-Level Review

- Modifications that increase floor area, building height, or lot coverage
- Changes affecting site circulation, access, or parking layout
- Alterations to building massing, orientation, or relationship to adjacent properties
- Changes that increase intensity of use or parking demand
- Modifications that may result in increased impacts on abutters, the public way, or

municipal services

(3) Contextual Considerations

In determining the appropriate level of review, the Director or Planning Board may consider:

- Proximity to residential uses
- Sensitivity of the site (e.g., constrained sites, environmental conditions)
- Cumulative effect of prior modifications
- Whether the change alters findings or conditions of the original approval

§5.8 Development Review Team

a. Purpose and Intent – The purpose and intent of the Development Review Team (DRT) is to review and provide technical guidance and direction to Applicants for DSPR and Special Permit Applications that will go before either the Planning Board, the Zoning Board of Appeals, or both.

b. Composition – The DRT is staffed by the Office of Planning and Building. At its core, it is made up of the following departments:

- (1) Planning & Building: Planning Division
- (2) Planning & Building: Building Division
- (3) Fire Department
- (4) Police Department
- (5) Select Board and Town Administrator (Courtesy Notification)
- (6) Health Department
- (7) Department of Public Works (General)
- (8) Department of Public Works (Engineering)
- (9) Department of Public Works (Conservation)
- (10) Belmont Light and other utilities as applicable.

Other departments or boards may be included by invitation on a specific Application that requires their specialized analysis and input. The Director of Planning and Building, or their designee, shall serve as the facilitator of the DRT and shall designate a recording secretary for each meeting.

c. Meeting Frequency, Duration and Location – The DRT shall meet as needed. Meetings shall be scheduled as to be convenient for all members.

d. Charge and Responsibilities – The Development Review Team (DRT) shall provide coordinated technical review and interdepartmental input to support Design and Site Plan Review and Special Permit Applications. The DRT’s responsibilities shall include:

- (1) Pre-Application Review. Participating in the Development Review Meeting in

Commented [A22]: The need to meet concurrently may be a big challenge. A data system to integrate input but not concurrently may work better.

accordance with §5.2(b), providing early technical guidance and identifying applicable requirements and potential issues.

(2) Application Review. Reviewing submitted Applications as coordinated by the Office of Planning and Building and providing written comments, recommendations, and suggested conditions to the Planning Board in accordance with §5.4.

(3) Interdepartmental Coordination. Facilitating communication among Town departments to ensure a consistent and comprehensive review of Development proposals.

e. Process for Open Application Review – The DRT may formally meet with an Applicant once a formal Application has been filed either at the request of the Applicant or the facilitator. This is called Open Application Review. The purpose of Open Application review typically relates to the need to emphasize or address certain critical issues, address proposed changes to the Development or Application. Open Application Reviews shall follow the same format and may include all or just a select number of DRT members depending upon the issue. Applicants are encouraged to follow up with any DRT member that provides actionable comments and DRT members are encouraged to provide a summary report of any such meeting for the official record.

f. Closeout of DRT Process – Prior to the closing of a public hearing for a DSPR or Special Permit Application, DRT members will be sent a **Development comment form**. Members shall complete the form indicating that they have no further comment on the Development or a listing of any outstanding issues or questions.

§5.9 Extension of Time Limitation for Implementation

a. Request to Board

An Applicant who has not completed an approved Design and Site Plan Review Development within the time limitation set forth in the Planning Board's Decision shall file with the Board a request for an extension of the Site Plan approval before the time period elapses. Such request shall be made on **Form 6-x entitled "Request for Extension"**.

b. Extension Involving Modifications

If an Application requesting such an extension is also required to make any changes to the Site Plan, the procedures under §5.7, Adjustments and Modifications to Approvals, must be followed. The fee, in this instance, shall be a **total of \$250 or \$100, whichever is applicable, only** (no additional fee for the extension request).

c. If the extension of time limitation is approved, the Decision of the Board shall be distributed and recorded in the same manner as for the initial approval.

Commented [A23]: As noted in the bylaw language, the conditions under which the town can extend its timeline should also be included.