

*You are invited to attend:*

# **Warrant Briefing**

**Wednesday, April 24<sup>th</sup>, 2024**

**at 7:00 PM**

*Viewing Options:*

<https://us02web.zoom.us/j/86137044412>

**Zoom meeting ID: 861 3704 4412**

Live broadcast: Belmont **Ch 8 (Comcast); Ch 28 (Verizon)**  
Livestream or on-demand: [belmontmedia.org/watch/govtv](http://belmontmedia.org/watch/govtv)

*Opportunity to ask questions about:*

## **Warrant Articles**

**prior to**

**Annual Town Meeting – Segment A  
April 29<sup>th</sup>**

**Town Officials and Department Heads  
will be present to provide information**

**Geoffrey Lubien**

**Chair of the Warrant Committee will preside**

**Cosponsored by: the Warrant Committee  
and the**



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**TOWN OF BELMONT  
WARRANT FOR 2024 ANNUAL TOWN MEETING  
April 29, 2024  
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to convene on **MONDAY, April 29, 2024, at 7:00 P.M.**, in person at the Belmont High School Auditorium, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles.

Interested members of the public may see and hear the proceedings by tuning in to the Belmont Media Center's live broadcast of the proceedings on Belmont cable television (Comcast channel 8, Verizon channel 28) or by live-streaming at [www.belmontmedia.org](http://www.belmontmedia.org).

Town Meeting Members and other participants approved by the Moderator who wish to address the meeting are encouraged to appear in person. Registered voters who wish to address the meeting as approved by the Moderator may appear in person.

**ARTICLE 1**

**REPORTS**

To hear the report of the Select Board and other Town Officers, any Committee heretofore appointed and to act thereon.

*This article accepts the reports of Town departments appearing in the Annual Town Report and allows the Select Board and other Town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow Town officials and committees to report at the call of the Moderator.*

**Majority vote required for passage.**

**ARTICLE 2 AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS**

To see if the Town will authorize the Select Board to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same on behalf of the Town, as and when they deem it for the best interest of the Town, or in any way act thereon.

*This is a standard article that authorizes the Select Board to represent the Town's legal interests and to settle legal claims.*

Submitted by the Select Board

The Select Board will report on this Article.

**Majority vote required for passage.**

**ARTICLE 3 AMEND STORMWATER MANAGEMENT AND EROSION CONTROL GENERAL BYLAW**

To see if the Town will vote to amend the General Bylaws § 60-325 "Stormwater Management and Erosion Control" to correctly specify the department, division, or administrative unit of the Town that will administer § 60-325, and to correct certain punctuation, as follows:

A. Insert a new definition in § 60-325.B to follow the definition of Construction Site:

**Department:** in this § 60-325, the term "Department" shall mean to the Town of Belmont Department of Public Works—Engineering Division, or such other department, division, or administrative unit of the Town that the Select Board designates from time to time to administer all or any portion of § 60-325 of the General Bylaws.

B. Delete the definition "OCD" in § 60-325.B.

C. Amend § 60-325 by replacing all references to "Office of Community Development" and "OCD" with the term "Department."

D. In the definition of Alteration in § 60-325.B, correct the punctuation by deleting the comma after the word "activity."

*This article will update the General Bylaws to name the newly reorganized Engineering Division within the Department of Public Works as the Department responsible for enforcing the Stormwater Management and Erosion Control bylaw.*

Submitted by the Select Board

The Select Board will report on this Article.

**Majority vote required for passage.**

**ARTICLE 4**

**AMEND ZONING BY-LAW - RESTAURANT PARKING**

To see if the Town will vote to amend the Zoning By-law by replacing the existing Section 5.1.2

d) Restaurant Parking:

~~d) Restaurant: one parking space per 2 persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.~~

with the following:

d) Restaurant: one parking space per 4 persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.

1. Creditable parking: the following spaces may be credited towards meeting these requirements:

i. All on-site spaces;

ii. In all Business Districts: legal on-street parking spaces, within 600 feet of any entrance to the restaurant, in any Business District; and;

iii. Parking spaces located on another parcel, pursuant to Section 5.1.3(a).

2. Special Permit for reduction in parking requirement:

i. Applicants may seek a Special Permit from the Board of Appeals to reduce the number of spaces below the number required by this Section 5.1.2(d).

ii. The Board of Appeals may consider, in addition to the Special Permit criteria of Section 7.4.3, whether:

• Feasible alternatives for providing necessary parking, including off-site parking, exist; and

• Any special circumstances making a reduced number of spaces adequate for all parking needs.

iii. Where a Special Permit is required under this Section 5.1.3(d)(2), no Design and Site Plan review pursuant to Section 7.3 is necessary from the Planning Board.

Or take any action relative thereto.

*This article modifies restaurant parking requirements as a result of the new restaurant use requirements passed in fall 2023. Specifically, the new language reduces the parking requirements for restaurants from 1 space per 2 person seating capacity to 1 space per 4 person seating capacity. It also provides a multi-element means for determining whether appropriate parking is available to the restaurant by allowing them to add: on-site current or planned parking, on-street parking within a certain distance to the restaurant, and potential leased off-street spaces, if available. If a combination of these three sources does not add up to the new required number, then the applicant may seek relief via special permit with the ZBA.*

Submitted by the Planning Board

The Select Board and Planning Board will report on this Article.

**Two-thirds majority vote required for passage.**

**ARTICLE 5        AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 4, INTENSITY REGULATIONS**

To see if the Town will vote to amend the Zoning By-law by:

1. In Section 4.1, Replacing "~~Office of Community Development~~" with "Office of Planning and Building".

***This amendment simply updates the current name of the department.***

2. Amending Section 4.2.2.A.2 by replacing "~~the Single Residence B and C~~" with "Residential".

***Because this provision is the same for all residential districts, this amendment reflects that.***

3. Replacing existing Section 4.2.2.A., subsections 3, 4, and 5 in their entirety with the following:

3. For a building in a Single Residence A or D District, the minimum front setback shall be the least of:

- a. The minimum lot setback requirement listed in Section 4.2.2;
- b. 30% of the depth of the lot; or
- c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the SR-A and SR-D district be less than 16'.

***This amendment cleans up this subsection 3, removes B and C districts, and provides a numbered list rather than a comma delimited sentence.***

4. For a building in a Single Residence B or C District, the minimum front setback shall be the least of:

- a. The minimum lot setback requirement listed in Section 4.2.2;
- b. 25% of the depth of the lot; or
- c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the B and C district be less than 16'.

***This amendment cleans up this subsection 4, makes it the same as 3 but for B and C, and slightly increases the setback from 15' to 16' to be consistent with subsection 3.***

5. For a building in a GR District, the minimum front setback shall be the least of:
  - a. The minimum lot setback requirement listed in Section 4.2.2;
  - b. 20% of the depth of the lot; or
  - c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the GR district be less than 10'.

***This amendment cleans up this subsection 5, makes the language for GR consistent with prior sections on A-D and B-C.***

4. Amending Section 4.2.2.A.7 by replacing "the SR-residential" with "Residential".

***This amendment simply modifies reference to single residential to read Residential, which is the same thing but more clear language for the public.***

5. Replacing the text of Section 4.3.3, Unenclosed Steps and Similar Projections, as written with the following:

The provisions of Section 4.2 shall not apply to:

- 1) Unenclosed steps, unroofed porches, ramps for the handicapped or other similar features which are not more than three feet high above the adjacent grade and which do not project more than four feet from the foundation wall and in no event are closer than 4 feet to a lot side lot line and 10 feet to a lot rear lot line.
- 2) Permanent coverings, such as roofs or awnings, affixed to the first story of a dwelling, covering entrances and exits to and from a dwelling, and projecting no more than 5' from the face of the building and no more than 4' horizontally from the outer edges of the door panels, except that no such covering shall extend more than 2' beyond the footprint of the structure and encroach into a side yard.

***The language from this subsection is retained in full and makes up subsection 1 and subsection 2 is new language added that refers to exceptions made for permanent coverings over entry doors.***

6. Adding the following sentence to the end of Section 4.3.5.c.2: "However, the Board of Appeals may grant a Special Permit for an exemption from this section for corner lots."

***The language notes that ZBA make grant an exception to these restrictions in the case of a corner lot since these lots have two front yards and are challenging for the siting of primary and accessory buildings.***

7. In Section 4.3.6, replacing "the regulations" with "the setback regulations".

***This proposed amendment clarifies that the regulations in 4.3.5 referred to here are specifically setback regulations and this is being clarified.***

Or take any action relative thereto.

Submitted by the Planning Board

The Select Board and Planning Board will report on this Article.

**Two-thirds majority vote required for passage.**

**ARTICLE 6            AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 1, GENERAL, SUBSECTIONS 1.4 DEFINITIONS AND ABBREVIATIONS AND 1.5 NONCONFORMING USES AND STRUCTURES**

To see if the Town will vote to amend the Zoning By-law by:

1. Amending the definition of "Family" in Section 1.4 by inserting "or a group," after "employees".

***This amendment adds reference to a group as part of definition of family which aligns with state law and is consistent with other provisions in the Bylaw.***

2. Amending or adding the following definitions in Section 1.4 as follows:

**Floor Area, Gross** - The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls or from the center lines of walls separating two attached buildings, including basements and any interior parking and loading areas, but not including cellars, or areas having less than ~~six~~ seven feet floor-to-ceiling height.

***This proposed amendment provides additional clarity to the definition in the case of attached buildings. It also changes the excluded area height from 6 to 7 feet.***

**Floor Area Ratio (FAR)** – The ratio of gross floor area to the ~~lot~~ area of the lot. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice. FAR does not apply to residential dwellings.

***This proposed amendment rewords reference to the "lot" and provides an exception for residential dwellings.***

**Grade** - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. Except that for an attached garage with slab on grade, the grade shall not be raised more than 12 inches to allow for proper drainage. Attached garages with slab on grade do not count to any grade calculation. The slab shall serve as the grade.

***This proposed amendment provides clarification regarding limitation on raising of grade plus an additional note that attached garages with slab on grade do not count related to a grade calculation.***

**Open Space** - Any open area on a lot, without any building or structure, except patios, unbuilt or containing landscape materials, and pedestrian walks, patios, recreational facilities but excluding driveways and parking spaces.

***This proposed amendment clarifies the definition of open space and specifically excludes recreational facilities.***

**Pergola** - A detached open shade structure which is incidental to the use of the principal structure on the same lot, and which is not to be used as storage.

***This proposed amendment adds a new definition for the term "Pergola" which is found elsewhere in the Bylaw.***

3. Amending the definition of "Setback" in Section 1.4 by replacing "street or property line" with "street right-of-way line or property line".

***This proposed amendment clarifies that "street line" is clarified to refer to the public right-of-way line.***

4. Amending the definition of "Structure" in Section 1.4 by inserting "pergolas," after "swimming pools,".

***This proposed amendment adds the term "pergola" to the definition of structure (p.1-13).***

5. Amending Section 1.5.4.A.1 by replacing "~~preexisting non-conforming structures that result in additional gross floor area may be extended or altered with a Special Permit by the Zoning Board of Appeals~~" with "preexisting non-conforming structures may be extended or altered so as to increase their gross floor area with a Special Permit by the Zoning Board of Appeals".

***This proposed amendment simply shifts the same language to after the action verbs (extended or altered) from before, where it is now.***

6. Replacing references to Section 1.5.4.C with reference to Section 1.5.4.B in Section 1.5.4.B and all of its subsections.
7. Replacing references to Section 1.5.4.B with reference to Section 1.5.4.C in Section 1.5.4.C and all of its subsections.

***These proposed amendments correct typographical errors in these sections.***

8. Striking the words "~~of the damage and completed within three (3) years~~" from Section 1.5.5.

***This proposed amendment simply removes the time period in which repairs to a damaged structure must be completed.***



*This is an annual article to request funds to pay bills after the close of the fiscal year in which the goods were received or the services performed and for which no money was encumbered.*

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 9                    AMEND FY2024 OPERATING, ENTERPRISE AND CPA BUDGETS**

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 11, 13, and 22 of the warrant for the 2023 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds including the Community Preservation Fund; or in any way act thereon.

*This is an annual article to permit adjustments to current fiscal year (FY2024) appropriations.*

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 10                    APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

To see if the Town will vote to make supplementary appropriations to be used in conjunction with sums appropriated in prior years for the installation or construction of water mains, sewers and sewerage systems, drains, streets, buildings, recreational facilities or other capital improvements and equipment that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise funds and the Community Preservation Fund, by borrowing, or by any combination of these methods; or in any way act thereon.

*This is an annual article to request funds to supplement existing appropriations for certain capital projects in light of revised cost estimates that exceed such appropriations.*

Submitted by the Select Board

The Select Board, Warrant Committee and Comprehensive Capital Budget Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 11**

**SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to fix the salary and compensation of each and all the elected officers of the Town, appropriate a sum of money for that purpose, determine how the same shall be raised, or in any way act thereon.

<b>Elected Officials of the Town</b>	<b>FY2024 Salary</b>	<b>FY2025 Salary</b>	<b>Change</b>
Town Moderator	\$ 450	\$ 450	\$—
Chair of the Select Board	\$ 5,000	\$ 5,000	\$—
Select Board (2)	\$ 4,500	\$ 4,500	\$— (each)
Town Clerk	\$ 106,556	\$ 108,687	\$2,131
Chair of the Board of Assessors	\$ 3,030	\$ 3,030	\$—
Assessors (2)	\$ 2,200	\$ 2,200	\$— (each)

*This is a standard article to comply with the provision in M.G.L. c. 41, §108 requiring the compensation levels of all elected officers to be fixed at the Annual Town Meeting, and to appropriate the funds necessary for FY2025. Please note that Town Meeting will establish and appropriate the compensation of other municipal employees under Article 24.*

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 12**

**MWRA I/I FINANCIAL ASSISTANCE PROGRAM PHASE XI**

To see if the Town will vote to appropriate a sum of money to allow the Town Engineer and the Department of Public Works Sanitary Sewer and Stormwater Division to participate in the Massachusetts Water Resources Authority’s Infiltration/Inflow Local Financial Assistance Program for the purpose of designing and constructing improvements to the sanitary sewer and storm drain system to mitigate the impacts of infiltration/inflow in the sanitary sewer system; said sum to be raised by borrowing under the program as follows,

<b>Phase</b>	<b>Term</b>	<b>Amount</b>
11	10 years	\$260,000.00

or take any other action relative thereto.

*This article seeks Town Meeting authorization to borrow funds at a 0% rate of interest from the Massachusetts Water Resources Authority in connection with their Infiltration/Inflow Local Financial Assistance Program. Funds for repayment of the loan would be raised through sewer user fees.*

Submitted by the Select Board

The Select Board, Warrant Committee and Comprehensive Capital Budget Committee will report on this Article.

**Two-thirds vote required for passage.**

**ARTICLE 13                    ENTERPRISE FUNDS FOR WATER, SEWER AND STORMWATER SERVICES**

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service; or in any way act thereon.

*This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.*

Submitted by the Select Board

The Select Board, Warrant Committee, and Comprehensive Capital Budget Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 14                    ESTABLISH EXPENDITURE LIMITATION FOR REVOLVING FUNDS**

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish expenditure limitations for FY2025 for the revolving funds authorized in § 50-220 of the Town Bylaws;

<b>Fund Title</b>	<b>Entity/Dept.</b>	<b>Spending Limits</b>
Senior Programs	Council on Aging	\$ 150,000
Art Gallery	Belmont Cultural Council	\$ 15,000
Rock Meadow Maintenance	Conservation Commission	\$ 15,000
Copying/Lost Books	Library Trustees	\$ 15,000
Stormwater Improvements	Community Development	\$ 100,000
MLK Day Breakfast	Human Rights Commission	\$ 5,000
Non-School Property Maintenance	Facilities	\$ 60,000
Stormwater Consulting	Community Development	\$ 50,000
Recreation	Recreation Department	\$ 1,280,000
<b>Total</b>		<b>\$ 1,940,000</b>

or in any way act thereon.

*This is a standard article that sets a limit on the amount of fee revenue that can be expended from the various revolving funds listed in §50-220 of the Town Bylaws during the upcoming fiscal year.*

- A. Senior Programs Fund: funds derived from Council on Aging course and program fees, charges or other receipts to be expended by the Council on Aging to fund courses and programs for Fiscal Year 2018 and subsequent years.*
- B. Art Gallery Fund: funds derived from commissions on art sales, to be expended by the Belmont Cultural Council for gallery exhibits and event expenses, including administrative costs and part-time wages, for Fiscal Year 2018 and subsequent years.*
- C. Rock Meadow Restoration and Maintenance Fund: funds derived from rental fees from garden plots, to be expended by the Conservation Commission for costs associated with the restoration and maintenance of the Rock Meadow conservation area, including part-time wages, for Fiscal Year 2018 and subsequent years.*
- D. Library Lost Book and Copying Fund: funds derived from lost book fees and fees for printing and copying, to be expended by the Board of Library Trustees for the replacement of lost books and for copier and printer supplies and maintenance for Fiscal Year 2018 and subsequent years.*
- E. Stormwater Improvement Fund: funds derived from payments made in lieu of on-site stormwater facilities, under the Stormwater Management and Erosion Control Bylaw, to be expended by the Director of the Office of Community Development for design, construction, and maintenance of public or shared stormwater facilities, for Fiscal Year 2018 and subsequent years.*
- F. Martin Luther King Day Breakfast Fund: funds derived from ticket sales for the annual Martin Luther King Day Breakfast, to be expended by the Human Rights Commission for event expenses for Fiscal Year 2018 and subsequent years.*
- G. Non-School Property Maintenance Fund: funds derived from the rental of Town properties not under the control of the School Department, to be expended by the Select Board for the maintenance and repair of such properties.*
- H. Stormwater Consulting Fund: funds derived from consultant fees paid by applicants for stormwater permits, to be expended by the Director of the Office of Community Development for peer review consultant services for Fiscal Year 2018 and subsequent years.*
- I. Recreation Revolving Fund: funds derived from recreation programs and activities to be expended by the Director of the Recreation Department for costs associated with recreation programs, including part-time wages, for FY2025 and subsequent years.*

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

**Majority vote required for passage.**



**ARTICLE 19**

**ADOPT MUNICIPAL BUILDINGS INSURANCE FUND**

To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 13 to establish a municipal buildings insurance fund to fund insurance deductible payments, or in any way act thereon.

*This article would establish a special revenue fund to allow the Town to pool funding that might be remaining in one year to offset future expenses. In addition, a small balance remaining from insurance proceeds is proposed to transfer to the fund.*

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 20**

**APPROVE 5-YEAR TERM FOR POLICE TASER LEASE**

To see if the Town will vote to approve a contract for a 5-year lease for up to 49 Tasers for the Police Department, or in any way act thereon.

*This article would allow the Police Department to enter into a contract for 5 years to lease Tasers for its uniformed officers. The current limit in Massachusetts General Laws is 3 years. The Police currently have 10 Tasers which were purchased using grant funds. They have found them to be a useful deescalation strategy. This approach will allow the Police Department to build the cost for Tasers into their operating budget.*

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 21**

**APPROPRIATION OF FY2025 CAPITAL EXPENDITURES**

To see if the Town will vote to appropriate sums of money to purchase public safety equipment, computer equipment (including consulting work), public works equipment and furnishings and equipment for Town facilities, construct public ways, and for building and facility and public works construction, major maintenance and alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise, or in any way act thereon.

*This is a standard article to appropriate funds for capital budget expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The*

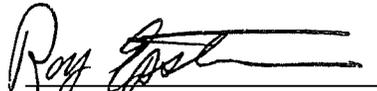


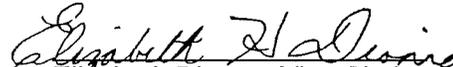


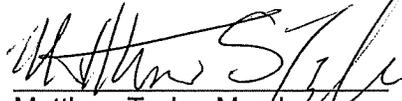


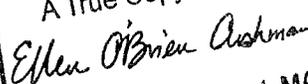
Given under our hands this **5th** day of **April, 2024**

**BELMONT SELECT BOARD**

  
Roy Epstein, Chair

  
Elizabeth Dionne, Vice Chair

  
Matthew Taylor, Member

A True Copy, Attest  
  
Town Clerk of Belmont, MA



**MOTIONS**  
**2024 ANNUAL TOWN MEETING**  
**April 29, 2024**  
**Draft as of April 23, 2024**  
*(Subject to Change)*

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**PRELIMINARY MOTION**

**ORDER OF THE ARTICLES**

**MOVED:** That the Town Meeting hear the motions in the following order:  
1, 2, 3, 5, 6, 4, 11, 12, 16, 19,  
7-10, 13, 14, 17, 18, 20-24

*(Majority vote.)*

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**ARTICLE 1**

**REPORTS**

**MOVED:** That the report of the Select Board and other Town Officers, any Committee heretofore appointed be accepted.

**MOVED:** That Article 1 be laid on the table.

**MOVED:** Article 1 be taken from the table.

**Majority vote required for passage.**

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**ARTICLE 2      AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS**

**MOVED:** That the Select Board be, and it hereby is, authorized to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same in behalf of the Town, as and when they deem it for the best interest of the Town to do so; said power shall be vested solely in the Select Board.

The Select Board will report on this Article.

**Majority vote required for passage.**



- ii. The Board of Appeals may consider, in addition to the Special Permit criteria of Section 7.4.3, whether:
  - Feasible alternatives for providing necessary parking, including off-site parking, exist; and
  - Any special circumstances making a reduced number of spaces adequate for all parking needs.
- iii. Where a Special Permit is required under this Section 5.1.3(d)(2), no Design and Site Plan review pursuant to Section 7.3 is necessary from the Planning Board.

The Select Board and Planning Board will report on this Article.

**Two-thirds majority vote required for passage.**

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**ARTICLE 5            AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 4, INTENSITY REGULATIONS**

**MOVED:**        That the Town amend Section 4 of the Belmont Zoning Bylaw as printed in Article 5 of the warrant for this Town Meeting, exclusive of the bolded and italicized explanatory comments, and with the substitution of the following text for the text in Subpart 5 of the Article:

Replacing the text of Section 4.3.3, Unenclosed Steps and Similar Projections, as written with the following:

Subject to Section 4.3.7, the provisions of Section 4.2 shall not apply to:

1. Unenclosed steps, unroofed porches, ramps for the handicapped or other similar features which are not more than three feet high above the adjacent grade and which do not project more than four feet from the foundation wall and in no event are closer than 4 feet to a lot side lot line and 10 feet to a lot rear lot line.
2. Permanent coverings, such as roofs or awnings, affixed to the first story of a dwelling, covering entrances and exits to and from a dwelling, and projecting no more than 5' from the face of the building and no more than 4' horizontally from the outer edges of the door panels, except that no such covering shall extend more than 2' beyond the footprint of the structure and encroach into a side yard.

The Select Board and Planning Board will report on this Article.

**Two-thirds majority vote required for passage.**

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**ARTICLE 6            AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 1, GENERAL, SUBSECTIONS 1.4 DEFINITIONS AND ABBREVIATIONS AND 1.5 NONCONFORMING USES AND STRUCTURES**

**MOVED:**        That the Town amend Sections 1.4 and 1.5 4 of the Belmont Zoning Bylaw as printed in Article 6 the warrant for this Town Meeting, exclusive of the bolded and italicized explanatory comments, and with the substitution of the following revisions to the definitions of "Grade" and "Floor Area Ratio" in Subpart 2 of the Article:

**Grade** - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. The grade shall not be raised more than 12 inches to allow for proper drainage. For the purpose of calculating grades, foundation wall surfaces that are affixed to attached garages with slabs on grade are excluded from such calculations.

**Floor Area Ratio** - The ratio of gross floor area to the lot area of the lot. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice. This double-counting provision shall not apply in residential dwellings.

The Select Board and Planning Board will report on this Article.

**Two-thirds majority vote required for passage.**

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**ARTICLE 11**

**SALARIES OF ELECTED OFFICIALS**

**MOVED:** That the elected officers of the Town be paid as salaries for the fiscal year commencing July 1, 2024 the amount set forth opposite the name of each office as listed below:

<b>Elected Officials of the Town</b>	<b>FY2025 Salary</b>
Town Moderator	\$ 450
Chair of the Select Board	\$ 5,000
Select Board (2)	\$ 4,500
Town Clerk	\$ 108,687
Chair of the Board of Assessors	\$ 3,030
Assessors (2)	\$ 2,200

The Select Board and the Warrant Committee will report on this article.

**Majority vote required for passage.**

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**ARTICLE 12**

**MWRA I/I FINANCIAL ASSISTANCE PROGRAM PHASE XI**

**MOVED:** That the Town appropriates **\$260,000.00** to participate in the Massachusetts Water Resource Authority's Infiltration/Inflow Local Financial Assistance Program for the purpose of designing and constructing improvements to Phase 11 of the sanitary sewer drain system not to exceed a ten-year term of borrowing, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to M.G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. All or any portion of this borrowing may be undertaken through the Massachusetts Water Resources Authority's Loan Program ("MWRA"). The Treasurer and the Select Board are authorized to execute and deliver any and all documents and agreements that may be required by the MWRA in connection with any borrowing through the MWRA.





# Town of Belmont

## Office of Planning & Building

### Summary of Proposed Zoning Bylaw Amendments Annual Town Meeting 2024

**The 2024 Annual Town Meeting Warrant includes three separate Zoning Bylaw amendment Warrant Articles 4, 5, and 6. Each of these will be summarized in this brief handout.**

#### **ARTICLE 4 – AMEND ZONING BYLAW – RESTAURANT PARKING**

This proposed amendment would reduce the parking requirements for restaurants from one space for each two seats to one space for each four seats. It also proposes a more flexible method to count parking that would count to meet this requirement.

#### **ARTICLE 5 – AMEND ZONING BYLAW – AMENDMENTS TO SECTION 4, INTENSITY REGULATIONS**

This proposed amendment would address a total of seven separate edits to this Section 4 including correcting a departmental name, reformatting and clarifying the front setback section, clarifying a section reference, adding a provision for permanent covering over unenclosed steps, providing an exemption for corner lots for the siting of accessory buildings, and other clarifications.

#### **ARTICLE 6 – AMEND ZONING BYLAW – AMENDMENTS TO SECTION 1, GENERAL**

This proposed amendment would address a total of eight separate edits to subsection 1.4, Definitions and four edits to subsection 1.5 Nonconforming Uses and Structures. Three of the subsection 1.5 edits are scrivener's error corrections.

**Please visit:** <https://www.belmont-ma.gov/planning-board/files/proposed-text-amendments-to-zoning-by-law-2024-hearing-notice-and-docs-for> for more information on these articles.

# Planning Board Sponsored Warrant Articles for Zoning Amendment Annual Town Meeting 2024

## ZONING EXPLANATION SUMMARY GUIDE

This guide provides a summary explanation for each proposed zoning amendment recommended by the Belmont Planning Board. The guide lists the language of the proposed amendment lifted from the Section of the Bylaw where it is located and highlights proposed removed language with ~~strikeout~~ and added language with underline. **Yellow highlighting** further emphasizes the changed language.

Explanations are in the **shaded box** directly below the language that we reference and each box included a page reference number so the reader can find the language in the full text of the Section.

You will find proposed zoning amendments in three (3) specific Sections of the Zoning Bylaw, as follows:

### **Section 1. General**

Section 1.4 proposed amendments are to definitions and these include clarifying language, changes to word placement for better readability, and one new definition for a new word that has been added to the Bylaw.

Section 1.5 proposed amendments include rephrasing existing language and corrections to scrivener's errors in citations.

### **Section 4. Intensity Regulations**

Section 4.1 proposed amendment includes updating a departmental reference. Section 4.2 provides clarifications to applicable zoning districts and breaks out comma delimited lists into numbered lists. Section 4.3 provides updated language for Unenclosed Steps and Similar Projections (Sec. 4.3.3), an option for relief for corner lots for rear yard restrictions, and clarifications.

### **Section 5. General Regulations**

Section 5.1.2 Schedule of (parking) requirements addresses the parking amendment for restaurants withdrawn in fall 2023 and provides detail regarding how that parking may be credited plus relief options if it cannot be met.

# SECTION 1. GENERAL

## Subsection 1.4 Definitions and Abbreviations

**Family** - One or more persons, including domestic employees, or a group, occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that if five or more persons of the group occupying said dwelling are not kindred to each other, as defined by civil law, they shall not be deemed to constitute a family.

**This amendment adds reference to a group as part of definition of family which aligns with state law and is consistent with other provisions in the Bylaw (p. 1-5).**

**Floor Area, Gross** - The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls or from the center lines of walls separating two attached buildings, including basements and any interior parking and loading areas, but not including cellars, or areas having less than six seven feet floor-to-ceiling height.

**This proposed amendment provides additional clarity to the definition in the case of attached buildings. It also changes the excluded area height from 6 to 7 feet (p. 1-5).**

**Floor Area Ratio (FAR)** – The ratio of gross floor area to the lot-area of the lot. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice. FAR does not apply to residential dwellings.

**This proposed amendment rewords reference to the “lot” and provides an exception for residential dwellings (p. 1-5).**

**Grade** - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. Except that an attached garage with slab on grade, the grade shall not be raised more than 12 inches to allow for proper drainage. Attached garages with slab on grade do not count to any grade calculation. The slab shall serve as the grade

**This proposed amendment provides clarification regarding limitation on raising of grade plus an additional note that attached garages with slab on grade do not count related to a grade calculation (p. 1-5)**

**Open Space** - Any open area on a lot, without any building or structure, except patios, unbuilt on, containing landscape materials, and pedestrian walks, patios, recreational facilities, but excluding driveways and parking spaces.

**This proposed amendment clarifies the definition of open space and specifically excludes recreational facilities (p. 1-9).**

# SECTION 1. GENERAL

## Subsection 1.4 Definitions and Abbreviations (Continued)

**Pergola** - A detached open shade structure which is incidental to the use of the principal structure on the same lot, and which is not to be used as storage.

This proposed amendment adds a new definition for the term “Pergola” which is found elsewhere in the Bylaw (p. 1-9).

**Setback** - An area open to the sky, located between a street or other property line and any structure or element thereof other than a fence, wall, or other customary yard accessory. Setback is measured perpendicular to the street **right-of-way line** or property line.

This proposed amendment clarifies that “street line” is clarified to refer to the public right-of-way line (p. 1-10).

**Structure** - Anything constructed or erected, the use of which requires fixed location on the ground, including buildings, mobile homes, signs, swimming pools, **pergolas**, and tanks, but for purposes of this By-Law not including walls, fences, or paving.

This proposed amendment adds the term “pergola to the definition of structure (p. 1-13).

## Subsection 1.5 Nonconforming Uses and Structures

### 1.5.4 Nonconforming Single and Two-Family Residential Structures

#### A. General Residence Zoning Districts

- (1) In the General Residence Zoning District, as provided in Massachusetts General Law Chapter 40A, Section 6, preexisting non-conforming structures **that result in additional gross floor area** may be extended or altered **so as to increase their gross floor area** with a Special Permit by the Zoning Board of Appeals, provided that no such extension or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Zoning Board of Appeals.

This proposed amendment simply shifts the same language to after the action verbs (extended or altered) from before, where it is now (p. 1-15).

# SECTION 1. GENERAL

## Subsection 1.5 Nonconforming Uses and Structures

### 1.5.4 Nonconforming Single and Two-Family Residential Structures

#### **B. Single Residence B Zoning District**

- (4) The Planning Board may grant a Special Permit under this Section 1.5.4.**C B**. (2) or (3) if it finds that the enlarged building:
- (5) In making any Special Permit decision pursuant to this Section 1.5.4.**C B**. (2) or (3), the Planning Board shall consider the following:
- (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.**C B**. shall comply with the procedures and requirements set forth in Section 7.4 of the Zoning By-law.

#### **C. Single Residence C Zoning Districts**

- (4) The Planning Board may grant a Special Permit under this Section 1.5.4.**B C**. (2) or (3) if it finds that the enlarged building:
- (5) In making any Special Permit decision pursuant to this Section 1.5.4.**B C**. (2) or (3), the Planning Board shall consider the following:
- (6) For the purposes of this Section 1.5.4.C., 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 C**. shall comply with the procedures and requirements set forth in Section 7.4 of the Zoning By-Law.

**These proposed amendments correct typographical errors in these sections. (pp. 1-16 to 1-19).**

# SECTION 1. GENERAL

## Subsection 1.5 Nonconforming Uses and Structures

### 1.5.5 Restoration

A structure which has been damaged by fire or other casualty to an extent less than 50% of the fair market value of the structure on the date of the damage may be restored to its original condition and square footage, regardless of any nonconformity of the structure or its use.

A structure damaged to a greater extent, if dimensionally nonconforming or containing a nonconforming use, may be restored to the previous nonconforming configuration or use only provided such work is started within two (2) years ~~of the damage and completed within three (3) years~~ of the date of the damage and where there is no increase in nonconformance with setback requirements. Any proposed change of use is subject to the provisions of this Section 1.5.

This proposed amendment simply removes the time period in which repairs to a damaged structure must be completed (p. 1-20).

**END OF SECTION 1  
AMENDMENTS**

# SECTION 4. INTENSITY REGULATIONS

## Subsection 4.1 General Requirements

The erection, extension, alteration, or moving of a structure, and the creation or change in size or shape of a lot shall be permitted only in compliance with the intensity and dimensional requirements set forth herein, except as provided at Section 1.5, Non-Conforming Uses and Structures, and in Section 6, Chapter 40A, Massachusetts General Law, and except for lot line changes which create neither additional lots nor increase in nonconformity.

In order to verify that any new construction requiring a plot plan at the time of building permit application complies with the intensity and dimensional requirements set forth herein and any conditions imposed by the SPGA, an 'as-built' plan may be required. This plan, paid for by the property owner, prepared and stamped by a professional engineer (P.E.), architect or Registered Professional Land Surveyor (RPLS) shall be submitted to the ~~Office of Community Development~~ **Office of Planning and Building department** and approved by the Inspector of Buildings prior to the issuance of a Certificate of Occupancy for that building.

**This amendment simply updates the current name of the department. (p. 4-1).**

## Subsection 4.2 Schedule of Dimensional Regulations

### 4.2.2 Linear Requirements for Residential Districts

#### A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.
2. In ~~the Single Residence B and C Residential~~ Districts, the placement of ground-mounted outdoor mechanical and fuel storage equipment on a lot shall be subject to the following requirements:
  - a. Not within the front yard - The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot;
  - b. Not within the required side or rear setbacks;
  - c. Not within at least 10'-0" of the front elevation; and,
  - d. Screened so that it is not visible from the street or adjacent properties.

**Because this provision is the same for all residential districts, this amendment reflects that (p. 4-3).**

## Subsection 4.2 General Requirements (Continued)

3. For ~~Nea~~ building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, the minimum front setback shall be the least of:
- a. The minimum lot setback requirement listed in Section 4.2.2;
  - b. 30% of the depth of the lot; or,
  - c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the SR-A and SR-D district be less than 16'.

~~25% of the lot depth in a Single Residence B or C District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 15 feet in Single Residence Districts.~~

This amendment cleans up this subsection 3, removes B and C districts, and provides a numbered list rather than a comma delimited sentence (pp. 4-3 and 4-4).

4. For a building in a Single Residence B or C District, the minimum front setback shall be the least of:
- a. The minimum lot setback requirement listed in Section 4.2.2;
  - b. 25% of the depth of the lot; or
  - c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the B and C district be less than 16'.

~~Notwithstanding the front setback requirements listed in Section 4.2.2, the front setback for the Single Residence B and C Districts shall may be the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.~~

This amendment cleans up this subsection 4, makes it the same as 3 but for B and C, and slightly increases the setback from 15' to 16' to be consistent with subsection 3. (p. 4-4).

## Subsection 4.2 General Requirements (Continued)

5. For a building in a GR District, the minimum front setback shall be the least of:
  - a. The minimum lot setback requirement listed in Section 4.2.2;
  - b. 20% of the depth of the lot; or
  - c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the GR district be less than 10'.

Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR District shall not exceed ~~may be the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.~~

This amendment cleans up this subsection 5, makes the language for GR consistent with prior sections on A-D and B-C (p. 4-4).

7. In ~~the SR r~~Residential Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.

This amendment simply modifies reference to single residential to read Residential, which is the same thing but more clear language for the public (p. 4-5).

## Subsection 4.3 Specific Requirements

### 4.3.3 Unenclosed Steps and Similar Projections

~~Subject to Section 4.3.7, the provisions of Section 4.2 shall not apply to:~~

- ~~1) Unenclosed steps, unroofed porches, ramps for the handicapped or other similar features which are not more than three feet high above the adjacent grade and which do not project more than four feet from the foundation wall and in no event are closer than 4 feet to a lot side lot line and 10 feet to a lot rear lot line.~~
- ~~2) Permanent coverings, such as roofs or awnings, affixed to the first story of a dwelling, covering entrances and exits to and from a dwelling, and projecting no more than 5' from the face of the building and no more than 4' horizontally from the outer edges of the door panels, except that no such covering shall extend more than 2' beyond the footprint of the structure and encroach into a side yard.~~

~~unenclosed steps, unroofed porches, ramps for the handicapped or other similar features which are not more than three feet high above the adjacent grade and which do not project more than four feet from the foundation wall and in no event are closer than four feet to a lot sideline and ten feet to a lot rearline.~~

The language from this subsection is retained in full and makes up subsection 1 and subsection 2 is new language added that refers to exceptions made for permanent coverings over entry doors (p. 4-7).

### 4.3.5 Accessory Buildings

#### c) Rear Yard Restrictions

1. A building accessory to a dwelling shall cover not more than 40% of the rear yard of the lot. The rear yard for this provision is defined as the area between a line obtained by extending the rear line of the dwelling to each of the sidelines of the lot and the rear line of the lot.
2. If any part of the accessory building is forward of the rear line of the dwelling, the accessory building shall conform to the front setback, side line and rear line requirements for a dwelling in the district in which the accessory building is located. However, the Board of Appeals may grant a Special Permit for an exemption from this section for corner lots.

The language notes that ZBA make grant an exception to these restrictions in the case of a corner lot since these lots have to front yards and are challenging for the siting of primary and accessory buildings (p. 4-8).

## Subsection 4.3 Specific Requirements (Continued)

### 4.3.6 Tennis Courts and Similar Recreational Facilities

The **regulations setback regulations** which apply to an accessory building in Section 4.3.5 shall also apply to a tennis court and other similar recreational facility as an accessory use. Where a tennis court or other facility is the principal use on a lot or is located in the front yard, the regulations of Section 4.2 shall apply.

**This proposed amendment clarifies that the regulations in 4.3.5 referred to here are specifically setback regulations and this is being clarified (p. 4-9).**

## SECTION 5. GENERAL REGULATIONS

### Subsection 5.1 Off-Street Parking

#### 5.1.2 Schedule of Requirements

- d) Restaurant: one parking space per **2 4** persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.

**1. Creditable parking: the following spaces may be credited towards meeting these requirements:**

i. **All on-site spaces;**

ii. **In all Business Districts: legal on-street parking spaces, within 600 feet of any entrance to the restaurant, in any Business District; and;**

iii. **Parking spaces located on another parcel, pursuant to Section 5.1.3(a).**

**2. Special Permit for reduction in parking requirement:**

i. **Applicants may seek a Special Permit from the Board of Appeals to reduce the number of spaces below the number required by this Section 5.1.2(d).**

ii. **The Board of Appeals may consider, in addition to the Special Permit criteria of Section 7.4.3, whether:**

- Feasible alternatives for providing necessary parking, including off-site parking, exist; and**
- Any special circumstances making a reduced number of spaces adequate for all parking needs.**

iii. **Where a Special Permit is required under this Section 5.1.3(d)(2), no Design and Site Plan review pursuant to Section 7.3 is necessary from the Planning Board.**

The language modifies restaurant parking requirements as a result of the new restaurant use requirements passed in fall 2023. Specifically, the new language reduces the parking requirements for restaurants from 1 space per 2 person seating capacity to 1 space per 4 person seating capacity. It also provides a multi-element means for determining whether appropriate parking is available to the restaurant by allowing them to add: on-site current or planned parking, on street parking within a certain distance to the restaurant, and potential leased off-street spaces, if available. If a combination of these three sources still does not add up to the new required number, then the applicant may seek relief via special permit with the ZBA (p. 5-1 and 5-2)



## OFFICE OF PLANNING AND BUILDING

Homer Municipal Building  
19 Moore Street  
Belmont, Massachusetts 02478-0900  
617-993-2666, fax; 617-993-2651

# MEMORANDUM

To: Town Meeting Members

From: Christopher J. Ryan, Director of Planning and Building 

Date: Thursday, March 14, 2024

Re: **Planning Board Report to the May 2024 Annual Town Meeting**

Pursuant to the requirements of Massachusetts General Laws, Chapter 40A, Section 5, and the Town of Belmont Zoning By-Laws, Section 7, the Planning Board submits the following recommendation on two proposed zoning warrant articles to the 2024 Annual Town Meeting. The Board held a public hearing on the petition on February 6, 2024, February 27, 2024, and March 12, 2024. Sitting for the Board were Jeff Birenbaum, Chair, Carol Berberian, Vice-Chair, Thayer Donham, Rui Guo, and Taylor Yates.

### **Proposed Amendments – Bylaw Sections 1 and 4, Housekeeping Residential and Non-Residential Provisions**

These proposed zoning amendments are proposed for Section 1, subsection 1.4 Definitions and Abbreviations and subsection 1.5 Nonconforming Uses and Structures; Section 4, subsection Section 4.1 General Requirements, subsection 4.2 Schedule of Dimensional Requirements, and subsection 4.3 Specific Requirements.

The objective of these amendments is to clarify several definitions and propose one new definition, correct several scrivener's errors, and provide clarity and better structure and organization for several other sections of the bylaw that relate primarily to single-family residential districts. A fully annotated document describing all proposed amendments under this section is available on the Planning Board website.

### **Proposed Amendments – Bylaw Sections 5, Amendment to the Parking Requirements for **Eating Establishments****

These zoning amendments are proposed for Section 5 Off-Street Parking and Loading, subsection 5.1.2 Schedule of Requirements, d) Restaurant (Eating Establishments as of STM 2023). The primary proposed change is to halve the parking requirements from one space per two seats to one space per four seats. Additionally, the new provisions provide a process for crediting spaces to these facilities and a process in case a facility cannot meet these new requirements.

**Planning Board's Vote on the Proposed Amendment:**

Following the close of the public hearing, the Planning Board deliberated and voted on the proposed amendment. Accordingly,

**The Planning Board unanimously voted (5-0) to recommend favorable action** on all proposed amendments.

Questions or requests for additional information regarding this proposed amendment can be directed to this office. You can download and view the specific amendment text [HERE](#) and you can see an annotated version of the text [HERE](#) or visit the Planning Board webpage at the link below and click on the menu item for Proposed Text Amendments.

<https://www.belmont-ma.gov/planning-board>

26 April 2024

Ellen O'Brien Cushman,  
Town Clerk  
Town of Belmont  
Belmont, Massachusetts 02478

Re Amendment to 2024 Annual Town Meeting Warrant Article 4

Dear Ms. Cushman,

Please confirm the filing with your office of my proposed amendment to Warrant Article 4.

**Background:** Warrant Article 4 is a magnificent effort to assist and encourage restaurants to locate in Belmont. And the tone of the article is welcoming. It allows the owner to elect to apply for a Special Permit if they want to reduce the number of required parking spaces. In an effort to keep the tone welcoming, a small change would be helpful to clarify that the applicant is spared Design and Site Plan review if they apply for a reduction in parking spaces.

**Purpose:** Change the language that suggests that a Special Permit is “required” under the section and correct the section reference to be “5.1.3.d)2”.

Moved: That Article 4 be amended by substituting the following language:

Amend the proposed language in d).2.iii of Article 4 by replacing the phrase “Where a Special Permit is required” with the phrase “If a Special Permit is applied for” and change the section reference from “5.1.3(d)(2)” to “5.1.3.d)2”, so that it reads as follows:

iii. If a Special Permit is applied for under this Section 5.1.3.d).2, no Design and Site Plan review pursuant to Section 7.3 is necessary from the Planning Board.

Sincerely,

**Robert E. McGaw**

Robert E. McGaw, Town Meeting Member, Precinct 1

CC via email: Moderator, Select Board, Town Counsel, Planning Director

**Article 4 - Jack Weis Precinct 1, Proposed Amendment to the  
Revised Main Motion (Received by email 10:42 AM 4-26-24)**

**Moved:** In Section 5.1.2d)1.ii., replace the number “1,000” with the number “600”, so that that particular subclause reads as follows:

- ii. In all Business Districts: legal on-street parking spaces, within 600 feet of any entrance to the restaurant, in any Business District; and;

# Robert E. McGaw

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23 Louise Road • Belmont • MA 02478 617-872-5683

robert.mcgaw.belmont@gmail.com

26 April 2024

Ellen O'Brien Cushman,  
Town Clerk  
Town of Belmont  
Belmont, Massachusetts 02478

Re: Amendment to 2024 Annual Town Meeting Warrant Article 5

Dear Ms. Cushman,

Please confirm the filing with your office of my proposed amendment to Warrant Article 5.

**Background:** The Office of Community Development has been reorganized and renamed "Office of Planning and Building." In Warrant Article 3, the General Bylaws are amended to update the reference to the "Office of Community Development," and to accommodate future name changes.

**Purpose:** The name "Office of Planning and Building" may change from time to time, so rather than requiring a Zoning By-law amendment each time, provide for the possibility of name changes by selecting a generic name.

Moved: That Item 1 in Warrant Article 5 be amended by replacing it with the following language:

Replace "Office of Community Development" with the following definition to be inserted after the definition of "Patio" in the definitions in § 1.4 of the Zoning By-Law,

**Planning Department** — The Town of Belmont Office of Planning and Building, or its successor, as it may be from time to time designated, redesignated, or renamed by the Select Board. A reference in this By-Law to "Office of Community Development" shall be deemed to be a reference to "Planning Department."

Sincerely,

**Robert E. McGaw**

Robert E. McGaw, Town Meeting Member, Precinct 1

CC via email: Moderator, Select Board, Town Counsel, Planning Director, Town Engineer

# Robert E. McGaw

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23 Louise Road • Belmont • MA 02478 617-872-5683

robert.mcgaw.belmont@gmail.com

April 26, 2024

Ellen O'Brien Cushman,  
Town Clerk  
Town of Belmont  
Belmont, Massachusetts 02478

Re: Amendment to 2024 Annual Town Meeting Warrant Article 5, Item 5

Dear Ms. Cushman,

Please confirm the filing with your office of my proposed amendment to Warrant Article 5 set forth below:

**Background:** To allow homeowners to build coverings, *e.g.*, roofs or awnings, over their first floor entrance/exit doors if the coverings do not exceed certain dimensions, *i.e.*, they can project up to five feet away from the face of the building, and may extend four feet on each side of the door opening, but if the door is near the corner of the structure, the coverings can only extend two feet beyond the corner of the building.

**Purpose of this Amendment:** To clarify the description of what is allowed.

Moved: That Item 5 of Warrant Article 5 be amended by replacing the language in the proposed paragraph labeled "2)", which reads as follows:

*2) Permanent coverings, such as roofs, or awnings, affixed to the first story of a dwelling, covering entrances and exits to and from a dwelling, and projecting no more than 5' from the face of the building and no more than 4' horizontally from the outer edges of the door panels, except that no such covering shall extend more than 2' beyond the footprint of the structure and encroach into a side yard.*

with the following substitute section 2) [new language is **bolded**]:

- 2) Permanent coverings, such as roofs and awnings, affixed to the first story of a **residential structure**, covering entrances and exit **doors** to and from **the structure, that:**
- a) **Project perpendicularly** no more than five feet **out** from the face of the **structure**, and
  - b) **Extend sideways**
    - i. No more than four feet **on each side of the door, measured from the edge of the door opening**, but
    - ii. **No** more than two feet beyond the **corner of the structure**.

Sincerely,

**Robert E. McGaw**

Robert E. McGaw, Town Meeting Member, Precinct 1

CC via email: Moderator, Select Board, Town Counsel, Planning Director

# Robert E. McGaw

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23 Louise Road • Belmont • MA 02478 617-872-5683

[robert.mcgaw.belmont@gmail.com](mailto:robert.mcgaw.belmont@gmail.com)

26 April 2024

Ellen O'Brien Cushman,  
Town Clerk  
Town of Belmont  
Belmont, Massachusetts 02478

Re: Amendment 2024 Annual Town Meeting Warrant Article 6

Dear Ms. Cushman,

Please confirm the filing with your office of my proposed amendment to Warrant Article 6.

**Background:** Section 7.6 of the Zoning By-Law creates and names the “Board of Appeals” but references to the term “Zoning Board of Appeals” have crept into the By-Law.

**Purpose:** To correct the reference to the Board of Appeals by deleting the word “Zoning”.

Moved: That Item 5 in Warrant Article 6 be amended by replacing “Zoning Board of Appeals” with “Board of Appeals” and, if the Moderator would allow it, as a housekeeping matter replace “Zoning Board of Appeals” with “Board of Appeals” throughout the Zoning By-Law.

Sincerely,

**Robert E. McGaw**

Robert E. McGaw, Town Meeting Member, Precinct 1

CC via email: Moderator, Select Board, Town Counsel, Planning Director