



April 14, 2015

To: Town Meeting Members,

As Town Moderator since 2008 I have made a concerted effort with others to improve our Town Meeting, balancing the importance of a full discussion of complex issues with the desire not to get bogged down in trivial details. We have definitely made considerable progress but I -- and many Town Meeting Members who have talked to me -- have become increasingly concerned by those occasions in which a few Members choose to ask a long series of questions, often in a manner more resembling a courtroom than a Town Meeting, many of which could be answered beforehand. Because it limits the time others may use to speak, this practice can be disrespectful to the vast majority of Town Meeting Members.

In order to enhance the quality and pace of Town Meeting discussions while providing an opportunity to hear as many Members as possible, I will be implementing the following changes at the upcoming Annual Town Meeting:

- Establish an informal five-minute limit on speeches by Town Meeting Members. This will allow more Members to speak and cut down on repetition by requiring speakers to focus their remarks.
- Limit each speaker to an initial question and one follow-up question to enable the meeting to move more smoothly. Materials are sent to Town Meeting Members in advance, giving them ample time to get most questions answered before coming to Town Meeting. Town Meeting Members with questions may email them before the meeting to: [selectmen@belmont-ma.gov](mailto:selectmen@belmont-ma.gov). The Town Administrator's office will forward the questions to the appropriate Town official for response.
- Honor the current rule requiring that all Member questions be asked through the Moderator, a common Massachusetts Town Meeting guideline. While I have reminded Members of this rule, I have sometimes refrained from strict enforcement. However, this procedure is important to ensure civil discourse. Henceforth, if Town Meeting Members have a question, I will request that they always address the question to me and I will direct it to the appropriate person.

Like you, I respect our democratic processes and work hard to make our Town Meeting as effective as possible. In implementing these changes, I am always open to making adjustments as needed.

Thank you for your understanding and your cooperation.

*Mike*

Michael J. Widmer  
Moderator



## MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

Belmont's town meetings are conducted in accordance with the Massachusetts General Laws, our Representative Town Meeting statute, the General By-Laws, and traditional customs and practices that we have followed for many years, with guidance provided by the principles and rules of conduct in *Town Meeting Time, a Handbook of Parliamentary Law*. Several matters of procedure are summarized below.

- An **article** in the Warrant provides notice to the Town Meeting of a matter to be considered. The article itself is not a specific proposal for action. A **motion** is a proposal for action by the Town Meeting and must be within the scope of the notice provided by an article in the Warrant. An article may not be amended but a motion may be amended by vote of the Town Meeting.
- Formal seconding will not be required on **main motions** under articles in the warrant. Seconding will be required on all other motions.
- All **main motions and proposed amendments** involving the expenditure of money must be in writing. All other motions and proposed amendments must also be in writing unless they are so brief and simple as to be easily understood when stated orally.
- All substantive amendments and motions to be offered under an article in the Warrant must be submitted to the Town Clerk in writing not later than the close of business on the third (3<sup>rd</sup>) business day before the commencement of the session at which the Article is considered, in order to provide the sufficient time for review by Town Counsel and the Moderator and to be made available for distribution to the Town Meeting Members before the commencement of such session. The Moderator may allow exceptions to the advance filing requirement in case of motions that are easy to understand, but such exceptions are within the exclusive discretion of the Moderator.
- Except for motions involving the expenditure of money or by-law amendments, the Moderator will first recognize the maker of the motion, if he or she wishes to speak.
- Before commencing discussion on motions involving the expenditure of money or by-law amendments, the Moderator will first call for committee reports as follows:
  - **Expenditure of Money** – Warrant Committee,
  - **Capital Improvements** – Warrant Committee, then Capital Budget Committee,
  - **General By-Law amendments** – By-Law Review Committee,
  - **Zoning By-Law amendments** – Planning Board.
- Town Meeting Members wishing to speak should stand and request recognition by the Moderator. When recognized, a Town Meeting Member should come to a microphone and state his or her name and precinct number before commencing.
- Registered voters of the Town who are not Town Meeting Members may speak at the Town Meeting, but first must either arrange in advance with the Moderator for recognition or arrange to be introduced by a Town Meeting Member.

- Persons who are not Town Meeting Members may be admitted to the floor by invitation **but may not vote.**
- All discussion must be relevant to a motion before the town meeting. All speakers must address the Moderator; questions may be asked only through the Moderator. A Town Meeting Member who wishes to make a motion that is debatable must first make the motion and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.
- The Moderator will try to recognize Town Meeting Members in the order in which they seek recognition. Unless the Town Meeting consents no person may speak more than twice upon any question, except to correct an error or to make an explanation of a previous statement. No person may speak for more than five minutes when speaking for the second time and should not seek recognition to speak for a second time until others who have not yet spoken have had an opportunity to be recognized.
- While our General By-Laws do not set a time limit for Town Meeting Members when speaking for the first time, all remarks should be concise, to the point and not excessively repetitious. Experience has shown that minds are rarely changed after the first **five minutes** of a speech.
- Section 2.7.6 of our General By-Laws provides that **all votes shall be taken in the first instance by a "yes" or "no" voice vote.** If the Moderator is in doubt as to the vote, or if any Town Meeting Member doubts the vote, the Moderator will call for a **standing vote.** Any Town Meeting Member may also request a **roll call vote;** the request must be concurred in by 34 or more additional Town Meeting Members; and the request must be made in connection with **final action** under an article in the warrant.
- Our By-Laws require that a Town Meeting Member who wishes to speak on an issue in which he or she or a member of his or her family has a direct financial interest or in which he or she is engaged as an attorney or consultant must first disclose this interest to the Town Meeting.
- A **motion to reconsider** a vote adopted at one session of a Town Meeting may not be made at an adjourned session of the same Town Meeting unless the mover has given notice of his or her intention either at the session at which the vote was passed or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of the session at which the vote sought to be reconsidered was passed. A two-thirds vote is required for reconsideration; no vote may be reconsidered more than once.
- Action on our general budget article, will not be considered final so as to require a two-thirds vote for reconsideration, or any other procedures relating to reconsideration, until all action under that Article has been completed.

Any citizen who has questions about Town Meeting procedures is encouraged to call me at (617) 489-1822 or to see me before the start of Town Meeting.

Michael J. Widmer  
Moderator

**You are invited to attend**  
**Warrant Briefing**

**Thursday, April 14<sup>th</sup>, 2016**

**at 7:00 PM**

**Beech Street Center**  
**266 Beech Street**

**Opportunity to ask questions about**  
**Warrant Articles**

**prior to**

**May 2<sup>nd</sup> Annual Town Meeting**

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

**Michael Libenson**

**Chair of the Warrant Committee will preside**

**Cosponsored by:**

**the Warrant Committee**

**and the**

**LWV**

**Belmont League of Women Voters®**  
**Education Fund**

2016 Annual Town Meeting

INDEX OF WARRANT ARTICLES

Article Number	Segment	Title	Page
ARTICLE 1	A	Reports	2
ARTICLE 2	A	Authorization to Represent the Town's Legal Interests	2
ARTICLE 3	A	Abandonment of Utility Easement	3
<b>AMEND GENERAL BYLAWS</b>			
ARTICLE 4	A	Amend General Bylaws: "Demolition Delay" §60-320	3
ARTICLE 5	A	Amend General Bylaws: "Residential Property Snow Removal" §60-800	3
<b>AMEND ZONING BY-LAW</b>			
ARTICLE 6	A	Amend Zoning By-Law: Relating to the Construction of Oversized Dwelling Units in the Single Residence C Zoning Districts	5
<b>COMMUNITY PRESERVATION FUNDS</b>			
ARTICLE 7	A	FY17 Community Preservation Committee Budget & Projects	9
<b>BUDGETARY &amp; FINANCIAL ARTICLES</b>			
ARTICLE 8	B	Salaries of Elected Officials	10
ARTICLE 9	B	Enterprise Funds for Water and Sewer and Stormwater Services	11
ARTICLE 10	B	FY17 Budget Appropriation	11
ARTICLE 11	B	Transfer Funds to General Stabilization Fund	11
ARTICLE 12	B	Authorization to Transfer Balances to Fund the FY17 Budget	11
ARTICLE 13	B	Authorization for Up-Front Funds for Chapter 90 Highway Improvements	12
ARTICLE 14	B	Appropriation of Capital Expenditures	12
ARTICLE 15	B	Appropriation of Other Post-Employment Benefits (OPEB) Stabilization Fund	12
ARTICLE 16	B	Authorization for Revolving Funds	13
ARTICLE 17	B	Underwood Pool Project Borrowing De-Authorization and Appropriation of Bond Premiums	13
<b>CITIZEN PETITION</b>			
ARTICLE 18	B	Citizens' Petition: OPEB Fund Annual Expense	14
ARTICLE 19	B	Citizens' Petition: Transfer Funds to Stabilization Fund	14

**Segment A:** Belmont High School 7 pm, begins May 2, 2016  
**Segment B:** Chenery Middle School 7 pm, begins June 6, 2016





**TOWN OF BELMONT  
WARRANT FOR 2016 ANNUAL TOWN MEETING  
MAY 2, 2016  
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To either of the Constables 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 meet at the Belmont High School Auditorium on **MONDAY, MAY 2, 2016, at 7:00 P.M.**, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

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**ARTICLE 1:**

**REPORTS**

To hear the report of the Selectmen and other Town Officers. To hear the report of 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 Board of Selectmen 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 Chair..*

Majority vote required for passage.

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**ARTICLE 2:**

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

To see if the Town will authorize the Selectmen 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, or in any way act thereon.

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



Majority vote required for passage.

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**ARTICLE 3:**

**ABANDONMENT OF UTILITY EASEMENT**

To see if the Town will vote to abandon an easement for sanitary sewerage and storm drainage originally shown on a plan titled "Samuel Barnard Estate, Belmont Mass" dated December 11, 1922, said portion to be abandoned being shown on a plan entitled "ALTA/ACSM Land Title Survey in Belmont, MA" dated July 21, 2015, by Cliff E. Rober, P.L.S., on file in the Town Clerk's Office, or in any way act thereon.

*This article seeks authorization to abandon an existing utility easement at 112 Trapelo Road, 102-104 Trapelo Road, 489-493 Common Street, 495-501 Common Street and Parcel 207, at the request of the owner.*

Submitted by the Board of Selectmen

The Board of Selectmen will report on this Article.

Majority vote required for passage.

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**ARTICLE 4:**

**AMEND GENERAL BYLAWS FOR "DEMOLITION DELAY" §60-320**

To see if the Town will vote to amend Section 60-320 of the Town of Belmont General Bylaws ("Demolition Delay") as follows, or in any way act thereon.

1. By striking, from Subsection B, "Time Limitation", '2016' and replacing it with '2017', so that the Subsection reads:

B. Time Limitation. The provisions of this Section shall be null and void and of no force and effect on and after June 30, 2017.

*This article seeks to amend the General Bylaws to extend the Demolition Delay Bylaw by one year to allow for completion of the Historic District Commission Town-wide survey of historic properties.*

Submitted by the Historic District Commission

The Bylaw Review Committee and Planning Board will report on this Article.

Majority vote required for passage.

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**ARTICLE 5:**

**AMEND GENERAL BYLAWS FOR "RESIDENTIAL PROPERTY SNOW REMOVAL" §60-800**

To see if the Town will vote to amend Section 60-800 of the General Bylaws of the Town of Belmont by deleting section 60-800 (I) in its entirety and inserting in place thereof the following section 60-800 (I) or in any way act thereon:



I. Residential property snow removal.

(1) Purpose. Since pedestrians are safer when walking on sidewalks than when walking in the streets used by vehicular traffic, the purpose of this subsection is to encourage owners of residential property to remove the snow, slush, and ice from abutting sidewalks so that sidewalks throughout the Town are safe for use during the winter season, and so that the Town's local services and amenities are reasonably accessible by pedestrians via sidewalks, especially by elderly persons, persons using wheelchairs, persons using carriages to transport children, and students walking to school.

(2) Definitions. For the purposes of this subsection, the following terms shall have the following definitions:

OBLIGATED PERSON

The person responsible for compliance with this subsection pursuant to Subsection I(4).

SIDEWALK

A paved walkway (whether paved with brick, stone, cement, concrete, asphalt, or other impervious material) that is located within the right-of-way of a street that abuts residential property.

(3) Obligations. Snow, slush, and ice shall be removed from the sidewalk, in accordance with the deadlines set forth in Subsection I(5), to a width of at least 36 inches or, if the sidewalk is narrower, for the full width of the sidewalk.

(4) Obligated persons. The owner of record of a residential property abutting a right-of-way in which a sidewalk is located shall be obligated to comply with this subsection within that portion of the right-of-way to which the residential property abuts, unless the owner of record can demonstrate that this obligation has been duly delegated to a responsible person, identified by name and address, by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease.

(5) Deadlines for removal and treatment.

(a) After the cessation of a weather event that has resulted in snow, slush, or ice on a sidewalk, the snow, slush, or ice shall be removed no later than 8:00 p.m. the following day, and the sidewalk shall be treated with melting compounds, sand, or other grit, as reasonably necessary to inhibit slipping. Regardless of this deadline, obligated persons are encouraged to remove snow, slush, and ice promptly from the full width of the sidewalk in order to minimize the ice formed on the sidewalk when snow or ice melts and refreezes, so that neighbors and others can use the sidewalks as soon as possible.

(b) Treatment of ice that forms on sidewalks shall be accomplished no later than 8:00 p.m. on the day after the ice has formed, but obligated persons are encouraged to treat the ice promptly so that neighbors and others can use the sidewalks as soon as possible.

(c) The deadlines set forth in this subsection shall be extended for obligated persons who are temporarily absent from the residential property for vacations, holidays, hospitalization, and unexpected absences; provided, however, that such obligated persons shall be required to complete their removal and treatment obligations by 8:00 p.m. on the day following the end of their temporary absence.

(6) Rules and regulations. The Board of Selectmen shall adopt rules and regulations further implementing this subsection, including, without limitation, provisions and hearing procedures for exemptions from the requirements of this subsection for obligated persons who are physically unable to perform the obligations themselves and have a bona fide financial hardship; provided, however, that exemptions granted to such obligated persons shall be void if the obligated person causes portions of the residential property to be cleared of snow, slush, or ice for vehicular access from the street.



(7) Fines. Fines for violations of this subsection shall be on the following schedule: first offense: written warning; second offense: \$50; third and successive offenses: \$100 each, to a maximum of \$350 per winter season (October 1 to April 30). In situations where there is more than one obligated person, such fines may be assessed jointly or individually. No more than one fine may be assessed with respect to any single weather event requiring removal or treatment of snow, slush or ice.

(8) Enforcement.

(a) A person who is an enforcing person as defined in Subsection J shall take appropriate action with respect to observed or reported violations of this subsection.

(b) An enforcing person taking cognizance of such a violation shall promptly send the alleged offender a noncriminal written citation thereof by hand delivery or mail, postage prepaid, addressed to the owner of record.

(c) An owner of record who receives a citation pursuant to this subsection shall have 20 days thereafter to pay the applicable fine or to provide to the enforcing person a photocopy of the written agreement or lease used to delegate the obligation to comply with this subsection, in which case the owner of record shall not be responsible for paying any applicable fine, and the enforcing person may dismiss or modify the citation or reissue the citation to the obligated person as is deemed appropriate.

(d) If a citation is not dismissed and the fine is not timely paid, the provisions of Subsection J, other than those establishing penalties, shall be applicable.

(9) Not evidence. Except as required by applicable law, violations of this subsection shall not be admissible as evidence of negligence in any civil proceeding brought by an injured third party against an obligated person, tenant, or owner of record.

*This article seeks only to remove the "sunset" provision from the existing Bylaw and reinsert the Residential Property Snow Removal provision to the General Bylaws to require that owners of residential property with paved sidewalks remove snow and ice within 24 hours to provide safe pedestrian passage. Violations would be subject to a non-criminal fine. The Board of Selectmen will adopt rules and regulations to determine hardship exemptions.*

Submitted by the Board of Selectmen

The Bylaw Review Committee will report on this article.

Majority vote required for passage.

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

1. To see if the Town will vote to amend Section 1.4, Definitions and Abbreviations, in the definition for 'Grade' by replacing the word 'altered' with 'raised' in the last sentence, as follows:

**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 altered-raised more than 12 inches to allow for proper drainage.

2. To see if the Town will vote to amend Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting:
  - a. The headings 'General Residence Zoning Districts', 'Single Residence C Zoning Districts', and 'All Other Districts', and
  - b. The provisions under the heading for 'Single Residence C Zoning Districts', as follows:

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

##### General Residence Zoning Districts

In the General Residence Zoning District, as provided in Massachusetts General Law Chapter 40A, Section 6, preexisting non-conforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board 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 Planning Board. On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), preexisting non-conforming single and two-family structures may not be voluntarily demolished and reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

##### Single Residence C Zoning Districts

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

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

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



If the proposed reconstruction, renovation, extension, alteration, or structural change does not meet the standards listed above, a Special Permit shall be required from the Board of Appeals.

If the Building Commissioner determines that such proposed reconstruction, extension, alteration, or structural change,

- 1) Increases the gross floor area of the non-conforming structure by more than thirty percent (30%); or,
- 2) Has been altered, extended, reconstructed or structural change made to the exterior of the structure within the past five (5) years beginning on the date of issuance of the most recently issued building permit,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board.

A nonconforming single- or two-family structure may be reconstructed after voluntary demolition in accordance with the following provisions:

1. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in volume or area as the original nonconforming structure.
2. If the proposed reconstruction would:
  - a. cause the structure to exceed the gross floor area of the original non-conforming structure or
  - b. cause the structure to be located other than on the original footprint,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board prior to such demolition.

The Special Permit Granting Authority may grant a Special Permit to reconstruct, extend, alter or change a nonconforming structure if it finds that the reconstructed and enlarged building:

1. is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties,
2. will not increase the existing nonconforming lot coverage, if it exists, and,
3. will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

For the purposes of this Section, 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.



In All Other Districts

In all other districts, nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstances:

3. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, as follows:
  - a. Within the dimensional table create a new row for 'SR-C' by separating it from 'SR-B';
  - b. Under the 'Maximum Building Height, Feet' column, replace '36' with '30'; and,
  - c. Under subsection B. Height, Insert an item '2' limiting the ridge to 34 feet and renumber the remaining items accordingly:

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-B and SR-C					
➤ Dwelling	25	10	30	36	2½
➤ Other	25	10	25	36	2½
SR-C					
➤ Dwelling	25	10	30	30	2½
➤ Other	25	10	25	30	2½

B. Height

2. In the SR-C Districts, the height of a Dwelling or other structure shall not exceed 34 feet to the ridge. Notwithstanding the definition of 'Height' in Section 1.4, the height of a Dwelling or other structure with a flat roof shall not exceed 30 feet to the highest point of the roof.
4. To see if the Town will amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '2' and renumber the remaining items accordingly, as follows:

A. Setbacks

2. In the SR-C 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.



5. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '4' and renumber the remaining items accordingly, as follows:

A. Setbacks

4. Notwithstanding the front setback requirements listed in Section 4.2.2, the front setback for the SR-C Districts shall 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.

Submitted by the Planning Board

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

Two-thirds vote required for passage.

**ARTICLE 7: FY17 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2017 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2017; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; Or act in any other manner in relation thereto.

Amount	Project Name	Category	Funding Source
\$228,350	Construction of Intergenerational Walking Path at Clay Pit Pond	Open Space/ Recreation	Open Space/ Recreation Account/Unallocated Account
\$ 80,000	Preserving Belmont's Original Vital Records	Historic Preservation	Historic Preservation Account
\$ 85,000	Digitizing Belmont's Town Meeting Records	Historic Preservation	Historic Preservation Account
\$ 75,000	Town Hall Exterior Railings Improvements	Historic Preservation	Historic Preservation Account
\$ 25,000	Pequossette Park Revitalization	Recreational Land	Open Space/ Recreation Account/Unallocated Account
\$325,000	Winn Brook Tennis Courts	Recreational Land	Open Space/ Recreation Account/Unallocated Account



\$101,300	Allocation of not less than 10 percent of annual revenues in the Community Preservation Fund for Community Housing	Community Housing	Community Housing
\$ 50,650	Appropriations for administrative and operating expenses not more than 5 percent of annual revenues in the Community Preservation Fund	Administration	Administrative Expenses

*This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections.*

**Submitted by the Community Preservation Committee**

The Community Preservation Committee, Warrant Committee, and Capital Budget Committee will report on this Article.

**Majority vote required for passage.**

**ARTICLE 8:**

**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>Salary</b>
Town Moderator	\$200
Chair of the Board of Selectmen	\$5,000
Selectmen (2)	\$4,500 (each)
Town Clerk	\$91,572
Town Treasurer	\$99,975
Chair of the Board of Assessors	\$3,030
Assessors (2)	\$2,200 (each)

*This is a standard article that fulfills that state law requiring Town Meeting to set the compensation levels and to appropriate the funds necessary for FY17. Please note that Town Meeting establishes and appropriates the compensation of other municipal employees under Article 10.*

The Warrant Committee will report on this Article.

**Majority vote required for passage.**



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**ARTICLE 9: ENTERPRISE FUNDS FOR WATER AND 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.*

The Warrant Committee will report on this Article.

**Majority vote required for passage (two-thirds if borrowing).**

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**ARTICLE 10: FY17 BUDGET APPROPRIATION**

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2016 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; to determine how the same shall be raised, or in any way act thereon.

*This is a standard article that appropriates the Town's FY17 budget, commencing on July 1. The budget consists of several categories of expenditures, each require a separate vote of Town Meeting. Due to uncertainty regarding the amount of state aid, the budget will be heard at the June sessions of Town Meeting. The Warrant Committee Report contains the budget summary and supporting information and will be distributed to Town Meeting Members in advance of the June sessions.*

The Warrant Committee will report on this Article.

**Majority vote required for passage.**

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**ARTICLE 11: TRANSFER FUNDS TO GENERAL STABILIZATION FUND**

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury a sum of money to the General Stabilization fund, or in any way act thereon.

*This is a standard article that seeks the transfer of funds to a general stabilization fund to achieve the Town's financial plan for FY17.*

The Warrant Committee will report on this Article.

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

---

**ARTICLE 12: AUTHORIZATION TO TRANSFER BALANCES TO FUND THE FY17 BUDGET**

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books, or in any way act thereon.

*This is a standard article that authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for FY17 (the General Fund Budget).*

The Warrant Committee will report on this Article.

**Majority vote required for passage.**



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**ARTICLE 13:**

**AUTHORIZATION FOR UP-FRONT FUNDS FOR CHAPTER 90  
HIGHWAY IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, sums of money for the repair, improvement and construction of highways, said money to be used in conjunction with any money which may be allotted by the Commonwealth for the said purposes, authorize the acceptance of such allotment, determine how the money raised and allotted as aforesaid shall be expended under the provisions of Chapter 90 of the General Laws, and acts in amendment thereof and in addition thereto, or in any way act thereon.

*This is a standard article that seeks to appropriate "up-front" funds that will be reimbursed from state highway aid, referred to as Chapter 90. This aid is authorized by the Legislature through state transportation bond issues. The estimated apportionment will be reported prior to the June sessions of Town Meeting. These funds, when supplemented with capital budget funds, will be used for the Town's Pavement Management Program to extend the life of our roadway system. In addition, the Town has used Chapter 90 funds to "leverage" substantial state/federal funding to design major road projects (i.e., Trapelo Road).*

The Warrant Committee and Capital Budget Committee will report on this Article.

**Majority vote required for passage.**

---

**ARTICLE 14:**

**APPROPRIATION OF 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 expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY17 capital expenditures will be distributed to Town Meeting Members prior to the June session of Town Meeting.*

The Warrant Committee and Capital Budget Committee will report on this Article.

**Majority vote required for passage (two-thirds if borrowing).**

---

**ARTICLE 15:**

**APPROPRIATION OF OTHER POST EMPLOYMENT BENEFITS  
(OPEB) STABILIZATION FUND**

To see if the Town will vote to appropriate, or transfer from available funds in the Treasury, a sum of money to the Other Post-Employment Benefits ("OPEB") Stabilization Fund; and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by transfer from the departmental Enterprise Funds, or by any combination of these methods; or in any way act thereon.



*This article seeks to appropriate from available free cash or other available funds for future Town liabilities for Other Post-Employment Benefits.*

The Warrant Committee will report on this Article.

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

---

**ARTICLE 16:**

**AUTHORIZATION FOR REVOLVING FUNDS**

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish new revolving funds; to reauthorize revolving funds established under various previous votes of the Town by various Town Departments, to hear or receive a report concerning the receipts and expenditures of same or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or in any way act thereon.

*This is a standard article that seeks authorization to establish new revolving funds, and to re-authorize existing revolving funds, for certain operations of the Town. These funds allow the expenditure of user fee, receipts for program expenses without further Town Meeting appropriation. However, Town Meeting must annually renew these funds. While this article is general, the motion will specifically include the funds and spending limits in each category.*

The Warrant Committee will report on this Article.

**Majority vote required for passage.**

---

**ARTICLE 17:**

**UNDERWOOD POOL PROJECT BORROWING DE-AUTHORIZATION AND APPROPRIATION OF BOND PREMIUM PROCEEDS**

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$112,000 that was appropriated under Article 17 of the May 7, 2014 Annual Town Meeting for the purpose of performing improvements to the Underwood Pool Project; and appropriate the premium paid to the Town upon the sale of bonds issued for the Underwood Pool Project, which are subject of a Proposition 2 1/2 debt exclusion, to pay costs of the project financed by such bonds and to reduce the amount authorized to be borrowed by the same amount, or in any way act thereon.

*This article rescinds the authority to borrow funds that were not needed for improvements to the Underwood Pool Project due to usage of bond premium revenues in place of bond proceeds. The total authorization was approved for \$2,902,000 on Article 17 of the May 7, 2014 Town Meeting.*

The Warrant Committee and Capital Budget Committee will report orally on this Article.

**Majority vote required for passage.**

---



**ARTICLE 18:**

**CITIZENS' PETITION: OPEB FUND ANNUAL EXPENSE**

To fund OPEB obligations by transferring and appropriating funds from the Town's Free Cash to the Town's OPEB Trust Fund.

*This article is submitted in the exact form as provided by the Citizens.*

Submitted by James R. Williams

The Warrant Committee will report on this Article.

**Majority vote required for passage.**

---

**ARTICLE 19:**

**CITIZENS' PETITION: GENERAL FUND STABILIZATION**

To see if the Town will vote to transfer from unappropriated available funds in the Treasury a sum of money to the General Stabilization Fund.

*This article is submitted in the exact form as provided by the Citizens.*

Submitted by Robert L. Sarno

The Warrant Committee will report on this Article.

**Majority vote required for passage.**

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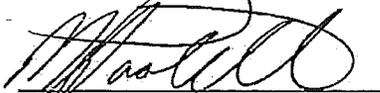


Given under our hands this 28th day of March, 2016.

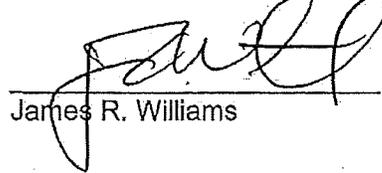
**BELMONT - BOARD OF SELECTMEN**



Sami S. Baghdady, Chair



Mark A. Paolillo, Vice Chair



James R. Williams

A True Copy, Attest  
*Ellen O'Brien Archana*  
Town Clerk of Belmont, MA





**MOTIONS**  
**2016 ANNUAL TOWN MEETING**  
**MAY 2, 2016**  
**Draft as of March 30, 2016**  
*(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: *(Majority vote)*  
1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19

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**ARTICLE 1:**

**REPORTS**

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees for the year 2016 be accepted. *(Majority vote)*  
MOVED: That Article 1 motion be laid on the table. *(Majority vote)*

---

**ARTICLE 2:**

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

MOVED: That the Board of Selectmen 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 Board of Selectmen. *(Majority vote)*

---

**ARTICLE 3:**

**ABANDONMENT OF UTILITY EASEMENT**

MOVED: That the Town vote to authorize the Board of Selectmen to abandon and release an easement for sanitary sewerage and storm drainage as shown on a plan entitled "Plan Showing Easement for 112 Trapelo Road, 102/104 Trapelo Road, 489-493 Common Street, 495-501 Common Street, and Parcel 207 in Belmont, MA" dated April 5, 2016 and prepared by Rober Survey, said area being a portion of the easement accepted at Town Meeting on December 11, 1922, and described in a grant of easement from Mary B. Horne to the Inhabitants of Belmont dated March 13, 1929 and recorded in the Middlesex South District Registry of Deeds in Book 5337, Page 1. *(Majority vote)*

REPORTING: Board of Selectmen

**ARTICLE 4: AMEND GENERAL BYLAWS FOR “DEMOLITION DELAY” §60-320**

MOVED: That the Town vote to amend Section 60-320 of the Town of Belmont General Bylaws (“Demolition Delay”) as follows:

1. By striking, from Subsection B, “Time Limitation”, ‘2016’ and replacing it with ‘2017’, so that the Subsection reads:  
  
B. Time Limitation. The provisions of this Section shall be null and void and of no force and effect on and after June 30, 2017. *(Majority vote)*

REPORTING: Bylaw Review Committee and Planning Board

---

**ARTICLE 5: AMEND GENERAL BYLAWS FOR “RESIDENTIAL PROPERTY SNOW REMOVAL” §60-800**

MOVED: That under Article 5, the reading of the proposed Amendment to Article 9 of the Town of Belmont General Bylaws pertaining to “Residential Property Snow Removal” be dispensed with, the same having been set forth in full under Article 5 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the Belmont General Bylaws pertaining to “Residential Property Snow Removal” as set forth in full under Article 5 in the Warrant for this Meeting. *(Majority vote)*

REPORTING: Bylaw Review Committee

---

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

MOVED: That under Article 6, the reading of the proposed Amendment to the Zoning By-Law pertaining to Sections 1.4, “Definitions and Abbreviations”, 1.5.4, “Nonconforming Single and Two-Family Residential Structures” and 4.2.2, “Linear Requirements for Residential Districts”, be dispensed with, the same being set forth in full under Article 6 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, “Definitions and Abbreviations”, 1.5.4, “Nonconforming Single and Two-Family Residential Structures” and 4.2.2, “Linear Requirements for Residential Districts”, as set forth under Article 6 of the Warrant for this Town Meeting. *(Two-thirds vote)*

REPORTING: Planning Board and Warrant Committee

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**ARTICLE 7: FY17 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS**

MOVED: That the Town will hear and act on the report of the Community Preservation Committee on the 2017 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, take the following actions:  
That the Town vote to appropriate from the FY17 estimated receipts of \$1,013,000 Community Preservation Fund as follows:

**For Open Space:**

MOVED: a) That \$228,350 be appropriated for the Construction of an Intergenerational Walking Path at Clay Pit Pond. *(Majority vote)*

MOVED: b) That \$25,000 be appropriated for the Pequossette Park Revitalization. *(Majority vote)*

MOVED: c) That \$325,000 be appropriated for the Winn Brook Tennis Courts. *(Majority vote)*

**For Historic Preservation Projects:**

MOVED: d) That \$80,000 be appropriated for the Preservation of Belmont's Original Vital Records. *(Majority vote)*

MOVED: e) That \$85,000 be appropriated for the Digitizing of Belmont's Town Meeting Records. *(Majority vote)*

MOVED: f) That \$75,000 be appropriated for the Town Hall Exterior Railings Improvements. *(Majority vote)*

**For Affordable Housing:**

MOVED: g) That \$101,300 be appropriated for Affordable Housing. *(Majority vote)*

**And**

MOVED: h) That \$50,650 be appropriated for the FY17 Community Preservation Committee Administrative Expenses. *(Majority vote)*

REPORTING: Community Preservation Committee, Warrant Committee, and Capital Budget Committee

# OFFICE OF COMMUNITY DEVELOPMENT

## TOWN OF BELMONT

19 Moore Street

Homer Municipal Building  
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division  
(617) 993-2664  
Engineering Division  
(617) 993-2665  
Planning Division  
(617) 993-2666



**TO:** Town Meeting Members  
**FROM:** Planning Board \*  
**Date:** May 25, 2016

**RE:** Revised Article 6

**Background:** Alarmed by the increase in demolitions and the construction of oversized houses in a portion of the Single Residence C Zoning District, the April 2015 Town Meeting supported a Citizens' Petition for a moratorium on the construction of houses over 32 feet high. This moratorium will expire on June 30.

Since then, the Planning Board has worked to develop revised zoning for Single Residence C that would deal with redevelopment in an equitable fashion over the long term. It has done so in partnership with the Citizen Petitioners and the many Belmont residents who attended the nine public hearings and provided input on this Article.

Originally scheduled for the first session of 2016 Town Meeting, Article 6 was postponed in order to respond to Town Meeting Member requests for clearer, more readable language in Subpart 2, one of its five Subparts.

Our clear and readable Subpart 2 is attached. Please note that there are no changes in substance. A short summary of each Subpart is provided below. For your convenience, Article 6, as originally printed in the Warrant, with Subparts 1, 3, 4 and 5 which are unchanged in either substance or language, and the Zoning map are attached.

**Summary:** The zoning changes that you will be asked to approve to ensure that development enhances the Single Residence C neighborhood are summarized below. The summaries of revised Subpart 2 are italicized.

- Subparts:
1. Allows the grade of the lot to be lowered to minimize the apparent mass of the building (§ 1.4);
  2. *Establishes a Special Permit process for major construction (very large additions and post demolition reconstructions) on nonconforming lots. This process will be administered by the Planning Board and explicitly requires consideration of the impact on the neighborhood. Smaller additions still require only a building permit and mid-sized additions a permit from the Board of Appeals (§ 1.5.4);*  
*Provides a detailed list of factors to be considered in granting a Special Permit for major construction for nonconforming lots (§ 1.5.4 B. (5));*
  3. Restricts building height to 30 feet to the midpoint and 34 feet to the highest point (§4.2.2);
  4. Limits the placement and requires screening of HVAC equipment and propane tanks (§ 4.2.2); and,
  5. Requires the front setback of the house be consistent with its neighbors (§4.2.2).

We also thank all those who helped to revise this Article and ask that you support it on June 6. Please contact us at [Liz Allison@att.net](mailto:Liz.Allison@att.net) or [Jwheeler@belmont-ma.gov](mailto:Jwheeler@belmont-ma.gov) with any questions. We will provide additional information next week regarding any amendments submitted by residents.

\*Liz Allison (Chair)  
Charles Clark

Joseph DeStefano  
Barbara Fiacco (Vice chair)

Karl Haglund  
Raffi Manjikian



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

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

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

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

---

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

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

so that Section 1.5.4 reads as follows:

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

**A. General Residence Zoning Districts**

*[No change to existing first paragraph]*

**B. Single Residence C Zoning Districts**

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

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

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

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

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

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

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

If the Building Commissioner determines that the proposed reconstruction would:

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

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

- (4) The Planning Board may grant a Special Permit under this Section 1.5.4.B. (2) or (3) if it finds that the enlarged building:
  - a) Is generally in harmony with the neighborhood;
  - b) Will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
  - c) Is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties;
  - d) Will not increase the existing nonconforming lot coverage, if it exists; and,
  - e) Will not be substantially more detrimental than the existing nonconforming building to the neighborhood.
  
- (5) In making any Special Permit decision pursuant to this Section 1.5.4.B. (2) or (3), the Planning Board shall consider the following:
  - a) Scale and design of the structure;
  - b) The siting of the structure and driveway;
  - c) Walkway, driveway and parking circulation;
  - d) Exterior lighting;
  - e) Open space and screening; and,
  - f) Drainage.
  
- (6) For the purposes of this Section 1.5.4.B., a nonconforming single- and two-family structure shall be defined as a single- and two-family structure on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the single- and two-family structure encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

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

**C. All Other Districts**

*[No changes to balance of Section 1.5.4.]*

REPORTING: Planning Board and Warrant Committee

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## Belmont Citizens for Responsible Zoning

---

April 6, 2016

Dear Town Meeting Member,

One year ago Belmont Citizens for Responsible Zoning placed an article on the Warrant for the 2015 Annual Town Meeting. Our Citizens' Petition reflected the concerns of Belmont residents about the construction of oversized dwellings in their neighborhoods. Town Meeting members listened to a presentation by our group and, after thoughtful discussion, approved our motion 238 to 24. As a result, a total height limit of thirty-two (32) feet was placed on construction, reconstruction, or modification of any detached single-family dwelling unit in a small portion of Belmont's Single Residence C Zoning District for one year. The moratorium will expire on June 30, 2016.

For the past year, members of our group have worked collaboratively with the Belmont Planning Board to develop Zoning By-Law amendments that will mitigate the effects of oversized construction throughout the Single Residence C Zoning District. We are pleased to endorse the proposed changes and additions spelled out in Article 6 on the Warrant for the 2016 Annual Town Meeting. The measures developed by the Planning Board are intended to help preserve the character of Belmont's Single Residence C neighborhoods without unduly restricting the efforts of homeowners and developers to expand and improve their property. Article 6 requires a two-thirds vote for passage, and we respectfully ask for your support.

Thank you,

Belmont Citizens for Responsible Zoning Steering Committee

Steve Pinkerton

Peg Callanan

Carol Moyles

Chris Moyles

Nick Candee

#7

RECEIVED  
TOWN CLERK  
BELMONT, MA

2016 JUN -1 PM 3:46

**Article 6 Proposed Amendment  
Submitted 6/1/2016 by Anthony Ferrante (Precinct 8)**

MOVED: That Section 1.5.4.B. (5), paragraph a) be amended such that the words "and design" shall be deleted so the section reads in whole:

(5) In making any Special Permit decision pursuant to this section 1.5.4.B. (2) or (3), the Planning Board shall consider the following:

- a) Scale of the structure;
- b) The siting of the structure and driveway;
- c) Walkway, driveway and parking circulation;
- d) Exterior lighting;
- e) Open space and screening; and,
- f) Drainage.

**Original, showing proposed changes**

(5) In making any Special Permit decision pursuant to this section 1.5.4.B. (2) or (3), the Planning Board shall consider the following:

- a) Scale ~~and design~~ of the structure;
- b) The siting of the structure and driveway;
- c) Walkway, driveway and parking circulation;
- d) Exterior lighting;
- e) Open space and screening; and,
- f) Drainage.

**Explanatory Note:**

In Single Residence C only 28% of the lots are over 9,000 square feet which means that significant expansion of most homes in that district will require a Special Permit. The purpose of this amendment it to clarify that property owners should have the right to build homes that appeal to their personal sense of aesthetics. The Planning Board may consider all other aspects of the proposed project listed above.

#6

Amendment to Warrant Article 6  
Submitted by Chris Kochem (Precinct 8)

RECEIVED  
TOWN CLERK  
BELMONT, MA

2016 JUN -1 PM 12: 20

The purpose of this amendment is

1. that Section 4.2.2, subsection A.2.c be amended so that the minimum distance for the placement of mechanicals in the side yard in relation to the front elevation is changed from 10'0" to 5'0".

Moved: To amend Section 4.2.2, subsection A.2.c, of Warrant Article 6 by deleting 10'-0" and replacing it with 5'0" so that the section reads as follows:

- c. Not within at least 5'-0" of the front elevation; and

Submitted by:  
Christine W. Kochem  
21 Jason Rd.  
Belmont, MA 02478  
617-489-4661, [cwkochem@hotmail.com](mailto:cwkochem@hotmail.com)  
Town Meeting Member, Precinct 8

**Second Amendment to Warrant Article 6**  
Submitted by Robert McGaw (Precinct 1)

Purpose: Many houses in SR-C Zoning Districts have non-conforming side setbacks. As summers get hotter, more people will be installing central air conditioning, which requires a ground-mounted compressor/condenser unit to be located adjacent to the house. The pipes circulating the coolant for efficiency need to go directly from the outside compressor/condenser unit to the air-handling equipment, which is typically located in the attic. The purpose of this amendment is

1. to continue to allow installation of ground-mounted mechanical equipment (e.g., heat pump compressor units and air conditioning compressor/condenser units for central air conditioning) in the side yards of SR-C houses, but only if they comply with the Town's noise Bylaws and are screened to minimize visual impacts,
2. to simplify the definition of front yard, and
3. to clarify screening.

MOVED: That the motion made by the Planning Board under paragraph 4 of Article 6 be amended by substituting for item '2' under subsection A, Setbacks, of section 4.2.2 of the Zoning Bylaw as proposed by the Planning Board the following item '2':

2. In the SR-C Districts, the placement of ground-mounted outdoor mechanical equipment and fuel storage equipment occurring after the effective date of this item 2, on a lot containing a single- or two-family structure shall be subject to the following requirements:
  - a. Not within the front yard, which for purposes of this item 2 is defined to be the area between the front line of the lot and a line obtained by extending the front elevation of the structure to each of the sidelines of the lot;
  - b. Not within the required side or rear setbacks; provided, however, that ground-mounted outdoor mechanical equipment may encroach entirely or partially into a required side setback if (i) it is placed adjacent to the structure, (ii) it does not extend more than six feet from the structure, (iii) it complies with items c. and d. below, and (iv) it complies with applicable noise standards in the General Bylaws of the Town of Belmont;
  - c. Not within 5'-0" of the front yard as defined in item a. above; and
  - d. Screened to minimize visual impacts.

**Fourth Amendment to Warrant Article 6**  
Submitted by Robert McGaw (Precinct 1)

Purposes of this Amendment:

To clarify that the Building Commissioner can issue a Building Permit for a proposed reconstruction, extension, alteration, or structural change to a non-conforming single- or two-family structure if the conditions in any of the three clauses 1), 2), and 3) are met.

To clarify that clauses 1) and 2) in the second unnumbered paragraph apply to a “reconstruction,” “extension,” or “structural change” as well as an “alteration,” since all four types of change are referred to in the first unnumbered paragraph as well as in the third unnumbered paragraph.

To correct the punctuation and use of the relative pronouns “which” and “that.” When “which” is used as a relative pronoun to introduce a clause, “which” is properly used in the descriptive sense and commas set off the clause. When “that” is used as a relative pronoun to introduce a clause, it is used in the restrictive sense and no comma is needed.

MOVED: That the substitute motion made by the Planning Board amending section 1.5.4 of the Zoning Bylaw be amended by substituting for the unnumbered second paragraph (including subparagraphs 1), 2) and 3) of that paragraph) of subsection B, clause (1) as proposed by the Planning Board, the following new second paragraph to read as follows:

The Building Commissioner may issue a Building Permit if the conditions in any of the following three clauses are met: [~~under the following circumstances:~~]

- 1) A reconstruction, extension, alteration, or structural change to a structure that [~~which~~] complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area and/or frontage;
- 2) A reconstruction, extension, alteration, or structural change to a structure that [~~which~~] encroaches upon one or more required setbacks, where the reconstruction, extension, alteration, or structural change will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements; or

- 3) A half-story addition to a nonconforming structure [~~deleted comma~~] that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

[NOTE: the additions are identified by double-underscoring; deletions are shown with ~~double-strikethrough~~ and [brackets] .

**Fifth Amendment to Warrant Article 6**  
Submitted by Robert McGaw (Precinct 1)

The purpose of this amendment is to clarify that Section 6D of the Zoning By-Law does not govern the voluntary demolition of a nonconforming single- or two-family structure, since Section 6D governs development and reconstruction.

NOTE: Section 1.5.5 of the Zoning By-Law governs restoration of nonconforming structures after fire or other casualty.

Moved: To amend the last sentence of the paragraph labeled “General Residence Zoning Districts” in paragraph 2.b of Article 6 to read in its entirety as follows:

On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), preexisting non-conforming single- and two-family structures that are [~~may not be~~] voluntarily demolished may not be ~~and~~ reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

[NOTE: the additions are identified by double-underscoring; deletions are shown with ~~double-strikethrough~~ and [brackets].

Robert McGaw and Chris Kochem, Co-sponsors  
Second Amendment to Warrant Article 6

Purpose: Many houses in SR-C Zoning Districts have non-conforming side setbacks. As summers get hotter, more people will be installing central air conditioning, which requires a ground-mounted compressor/condenser unit to be located adjacent to the house. The pipes circulating the coolant for efficiency need to go directly from the outside compressor/condenser unit to the air-handling equipment, which is typically located in the attic. The purpose of this amendment is

1. to continue to allow installation of ground-mounted mechanical equipment (e.g., heat pump compressor units and air conditioning compressor/condenser units for central air conditioning) in the side yards of SR-C houses, but only if they comply with the Town's noise Bylaws and are screened to minimize visual impacts,
2. to simplify the definition of front yard,
3. to clarify screening,
4. to allow the units within 5 feet of the front yard, and
5. to number this item as "8" to avoid renumbering other existing items.

Moved: To amend paragraph 4 of Warrant Article 6 in its entirety to read as follows:

4. To see if the Town will amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting a new item "8" to read as follows:

8. In the SR-C Districts, the placement of ground-mounted outdoor mechanical equipment and fuel storage equipment occurring after the effective date of this item 8, on a lot containing a single- or two-family structure shall be subject to the following requirements:
  - a. Not within the front yard, which for purposes of this item 8 is defined to be the area between the front line of the lot and a line obtained by extending the front elevation of the structure to each of the sidelines of the lot;
  - b. Not within the required side or rear setbacks; provided, however, that ground-mounted outdoor mechanical equipment may encroach entirely or partially into a required side setback if (i) it is placed adjacent to the structure, (ii) it does not extend more than six feet from the structure, (iii) it complies with items c. and d. below, and (iv) it complies with applicable noise standards in the General Bylaws of the Town of Belmont;
  - c. Not within 5'-0" of the front yard as defined in item a. above; and
  - d. Screened to minimize visual impacts.

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#9

## Article 6 Proposed Amendment

Submitted June 1, 2016 by Paul Roberts (Precinct 8)

**MOVED: THAT Warrant Article 6 be amended such that the words "4.2.1 'Area Requirements'" be added to the existing wording, so that the section reads, as a whole (changes in bold):**

That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations," **4.2.1, "Area Requirements"** and 4.2.2, "Linear Requirements for Residential Districts", as set forth under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Town Meeting. (Two-thirds vote)

**AND THAT** Article 6, subpart 3 be replaced in its entirety with the following:

3. To see if the Town will vote to amend Section 4.2.1 Area Requirements and Section 4.2.2, Linear Requirements for Residential Districts as follows:

- a. Within the dimensional table "Area Requirements" in Section 4.2.1, change the values for SR-C as follows: Minimum Lot Area: **5,000**; Minimum Lot Frontage: **50**; Maximum Lot Coverage: **30%**, Minimum Open Space: **40%**, such that the modified table appears as follows:

**4.2.1 Area Requirements**

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Area Per Dwelling Unit	Maximum Floor Area Ratio	Maximum Lot Coverage	Minimum Open Space
Districts	Sq. Ft.	Feet	Sq. Ft./D.U.		% Of Lot	% Of Lot
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
<b>SR-C</b>	<b>5,000</b>	<b>50</b>	--	--	<b>30%</b>	<b>40%</b>
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	--	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

- b. Within the dimensional table “Linear Requirements for Residential Districts” in section 4.2.2, remove “SR-C” from the row labeled “SR-B and SR-C” and to add “**SR-C**” to the row labeled “GR” such that the final table appears as follows:

**4.2.2 Linear Requirements for Residential Districts**

Residential Districts	Minimum Setback Dimensions Feet			Maximum Building Height	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D					
• Dwelling	30	15	40	36	2½
• Other	30	15	25	36	2½
SR-B					
• Dwelling	25	10	30	36	2½
• Other	25	10	25	36	2½
<b>GR and SR-C</b>					
• Dwelling	20	10	20	33	2½
• Other	20	10	12	33	2½
AH	30	30	30	30	30

**Finally, in section 4.2.2 part A; item 3 should be amended to read:**

Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR **or SR-C** District shall not exceed 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.

## Originals, showing proposed changes

That under Article 6, the reading of the proposed Amendment to the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations" 4.2.1, "Area Requirements" and 4.2.2, "Linear Requirements for Residential Districts", be dispensed with, the same being set forth in full under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Meeting and having been distributed to each Town Meeting Member. (Majority vote)

That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations," 4.2.1, "Area Requirements" and 4.2.2, "Linear Requirements for Residential Districts", as set forth under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Town Meeting. (Two-thirds vote)

### 4.2.1 Area Requirements

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Area Per Dwelling Unit	Maximum Floor Area Ratio	Maximum Lot Coverage	Minimum Open Space
Districts	Sq. Ft.	Feet	Sq. Ft./D.U.		% Of Lot	% Of Lot
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
<b>SR-C</b>	<b>9,000-5,000</b>	<b>75 50</b>	--	--	<b>25%-30%</b>	<b>50%-40%</b>
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	--	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

#### 4.2.2 Linear Requirements for Residential Districts

Residential Districts	Minimum Setback Dimensions Feet			Maximum Building Height	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D					
• Dwelling	30	15	40	36	2½
• Other	30	15	25	36	2½
SR-B and SR-C					
• Dwelling	25	10	30	36	2½
• Other	25	10	25	36	2½
GR and SR-C					
• Dwelling	20	10	20	33	2½
• Other	20	10	12	33	2½
AH	30	30	30	30	30

#### 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. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 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.
3. Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR or SR-C District shall not exceed 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.
4. On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less than 30% of lot depth in Single Residence B and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts. 5. In the SR 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

**Explanatory Note:**

Belmont's current zoning by-laws categorize the vast majority of the town's residential neighborhoods as Single Residence Zone C (or SR-C) for short. These SR-C zones include many of our most iconic neighborhoods: the 19<sup>th</sup> century Victorians on School Street, the 1930s and 40s era Colonials in the Winn Brook area, around Payson Reservoir, and so on. These are closely settled neighborhoods with modest houses on small(ish) lots – almost all less than a quarter acre.

However, as currently written, the town's SR-C zoning simply does not reflect the reality of our built environment. Specifically: SR-C mandates 9,000 square foot lots (almost a quarter acre) and 75 feet of frontage. While this is nice in an aspirational kind of way, it simply does not reflect the type of housing stock that has been constructed in Belmont over the last 150 years – the kind of houses and neighborhoods most of us live in and consider as defining our town's residential character.

How badly out of whack are the zoning requirements for SR-C? Consider that today; close to 3 out of every 4 houses in SR-C zoned neighborhoods are non-conforming in one way or another. As a practical matter: that means that homeowners who seek to make even modest changes or additions to their property must receive a special permit from the Planning Board to do so – an uncertain, time-consuming and potentially expensive prospect.

It is this dislocation between our residential zoning and the reality of our built environment that makes the debate about the Planning Board's proposed rules so fraught. Simply put: these are rules meant to deal with *exceptions* to our bylaws. But, because almost all of us live in non-conforming homes, exceptions to our bylaws are the rule and these changes end up affecting almost everyone.

Fortunately, we do have a residential zoning on the books in Belmont with dimensions for home and lot size, setbacks and the like that nicely reflect the neighborhoods most of us inhabit: the **General Residence (or GR) zone**. GR zones currently lie adjacent to many of our town centers (Leonard Street, Cushing Square, Waverly Square) and are often interwoven with and indistinguishable from SR-C districts, except as concerns our zoning bylaws. Walk from Bellevue Rd. on one side of Chenery Middle School over to Hurd Rd. on the other side and you've walked from a GR to a SR-C zone, but you wouldn't know it.

My proposed amendment is simple and straightforward. It would leave many of the proposed changes in Article 6 – intended to deal with exceptions to our zoning bylaws- intact. But, importantly, it would bring many of our SR-C zoned neighborhoods and homes into compliance with our by-laws by harmonizing the current SR-C zone with the General Residence zone and, most important, with our built environment. SR-C, like GR, will be defined by a minimum lot size (5,000 square feet) and frontage (50 feet). The maximum lot coverage (30%) and minimum open space per lot (40%) will also be the same for GR and SR-C zones.

How will this affect you, as a homeowner? Let's consider a couple use cases that would be typical for many of us:

**Winn Brook Colonial**

**Lot size:** 8,640 sq ft.

**Frontage:** 60'

**Building size:** 1,735 sq. feet

**Built:** 1934

**Zone:** SR-C

Current minimum lot area: 9,000 sq. feet

Current minimum lot frontage: 75 feet

Current maximum lot coverage: 2,160 (25%)

Current min. open space: 4,320 (50%)

Current status: *does not conform*

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,592 (30%) - conforms

Proposed min. open space: 3,456 sq. feet (40%) - conforms

Overall Status: *conforms*

**Goden Street Victorian**

**Lot size:** 8,050 sq. ft.

**Frontage:** 60'

**Building size:** 2,705 sq. feet

**Zone:** SR-C

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,415 (30%) – does not conform

Proposed min. open space: 3,220 sq. feet (40%) - conforms

Overall Status: *does not conform*

**Hurd Rd Colonial (Payson area):**

**Lot size:** 6,534 sq. ft.

**Frontage:** 60'

**Building size:** 2,010 sq. feet

**Zone:** SR-C

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,415 (30%) - conforms

Proposed min. open space: 3,220 sq. feet (40%) - conforms

Overall Status: *conforms*

#8

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Amendment to Warrant Article 6  
Submitted by Anthony Ferrante & Christine Kochem (Precinct 8)

The purpose of this amendment is

1. to add a new section 4 after Section 1.5.4, subsection B.1.3 so as to continue to allow single-story houses in Single Residence C to build a full-story addition 'by-right', so long as the proposed addition does not increase the footprint of the existing structure

Moved: To amend Warrant Article 6 by adding a new section after Section 1.5.4, subsection B.1.3 by inserting a new section 4 that reads as follows:

4) A full second-story addition to a single-story, nonconforming structure (a single-story structure is defined as a structure with a second level that is not habitable according to the State Building Code; i.e., floor to ceiling height is too low, light and ventilation is limited, room size is too small or egress is not provided) that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or-frontage requirements.

Submitted by:  
Anthony Ferrante  
15 Westlund Rd.  
Belmont, MA 02478

Town Meeting Member, Precinct 8

Christine W. Kochem  
21 Jason Rd.  
Belmont, MA 02478

Town Meeting Member, Precinct 8