



May 14, 2013

Dear Town Meeting Members:

Enclosed please find the Warrant for **Special Town Meeting** scheduled for 7:00 p.m. on **Wednesday, May 29, 2013** in the Belmont High School Auditorium.

Should the business of the Special Town Meeting not conclude on May 29th, the meeting will continue to 7:00 p.m. on Wednesday, June 12, 2013 at the Chenery Middle School Auditorium.

As you will see from the attached materials, the Special Town Meeting Warrant includes eighteen (18) articles, eight (8) of which will enable the renumbering and recodification of the Town's General By-Laws.

Some of the proposed articles have been drafted in response to the feedback of Town Meeting Members; other articles deal with matters that could not be finalized for the Annual Town Meeting. One article was placed on the Warrant by Citizen Petition pertaining to a Demolition Moratorium in the General Residence Zoning District (GR), having met the required minimum of 100 certified signatures of Belmont voters.

Lastly, please be reminded that the Warrant and any additional information can be found in the Town Meeting section of the Town web page at www.Belmont-ma.gov.

We look forward to a productive Special Town Meeting, and thank you for your continued involvement and participation in our Town's legislative process.

Sincerely,

Mark Paolillo, Chairman
Andrés Rojas, Vice Chairman
Ralph Jones

BOARD OF SELECTMEN



**TOWN OF BELMONT
2013 SPECIAL TOWN MEETING**

MAY 29, 2013

LIST OF PROPOSED WARRANT ARTICLES

ARTICLE 1	Reports
ARTICLE 2	Amend General By-Laws Repeals
ARTICLE 3	Amend General By-Laws: Reorganize and Renumber
ARTICLE 4	Amend General By-Laws: General Recodification
ARTICLE 5	Amend General By-Laws: Recodification of Chapter 10
ARTICLE 6	Amend General By-Laws: Recodification of Chapter 20
ARTICLE 7	Amend General By-Laws: Recodification of Chapter 30
ARTICLE 8	Amend General By-Laws: Recodification of Chapter 40
ARTICLE 9	Amend General By-Laws: Recodification of Chapter 60
ARTICLE 10	Amend General By-Law: Stormwater Management & Erosion Control
ARTICLE 11	New General Bylaw: Residential Snow Removal
ARTICLE 12	Appropriation: Insurance Proceeds
ARTICLE 13	Appropriation: BAN Premiums
ARTICLE 14	Amend FY13 Budget (If Needed)
ARTICLE 15	Easement: Trapelo Road
ARTICLE 16	Authorization to Transfer Property (Belmont Municipal Light Department)
ARTICLE 17	Amend Zoning Bylaw: Inclusionary Housing
ARTICLE 18	Citizen Petition: Demolition Moratorium



**TOWN OF BELMONT
WARRANT FOR 2013 SPECIAL TOWN MEETING
MAY 29, 2013
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 **WEDNESDAY, MAY 29, 2013, 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:

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 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 when necessary.

Majority vote required for passage. Yes___ No___

ARTICLE 2: AMEND GENERAL BY-LAWS: REPEALS

To see if the Town will vote to amend the General Bylaws of the Town of Belmont by repealing: § 28.9, regarding fees for kennel licenses; § 28.10, requiring kennel owners to apply for a license within 30 days of the bylaw's approval; § 24.6.3, providing registration fees for alarms; § 24.14, fees for appeals to the Alarm Appeal Board; and, § 22.3, providing a fee schedule for flammable fluids, solids and gases; or in any way act thereon.

This article deletes the sections of the Town Bylaws that are not being carried forward into the reorganization of the Bylaws that is the subject of the next series of warrant articles.

The By-Law Review Committee will report on the article.

Majority vote required for passage. Yes___ No___

ARTICLE 3: AMEND GENERAL BY-LAWS: REORGANIZE AND RENUMBER

To see if the Town will vote to reorganize and renumber the General Bylaws of the Town by (a) designating the General Bylaws as Part I, Chapters 10 through 60; (b) renumbering each section of each bylaw accordingly; and (c) updating internal references to reflect the new organization and numbering, all as set forth in the document on file in the office of the Town Clerk titled "General Bylaws of the Town of Belmont, Massachusetts" dated May 2013, or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 4: AMEND GENERAL BY-LAWS: RECODIFICATION

To see if the Town will vote to adopt the following changes to the General Bylaws wherever the following words or phrases appear:

- A. To standardize references to the Massachusetts General Laws to the following format: MGL c. ___, § ___.
- B. To change "by-law" to "bylaw."
- C. To update the terms "Chairman" and "Chairperson" to "Chair."
- D. To change "their" to "its" when referring to the Board of Selectmen.
- E. To present numbers in a consistent manner, so that numbers one through nine are spelled out as words; numbers 10 and higher are cited in numeric form only; and all monetary amounts, fractions, decimals, degrees and percentages are cited in numeric form only.
- F. To change "non-criminal" to "noncriminal".

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 5: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 10

To see if the Town will vote to adopt the following change to Chapter 10, General Provisions, of the General Bylaws:

- A. Section 10-115B, C and D are added to read as follows:
 - B. Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words of one gender may be construed to include the other gender and the neuter.
 - C. Headings and captions are for reference purposes only as an editorial aid to the reader and are not substantive provisions of the bylaws. They are not legally adopted parts of the bylaws as voted by Town Meeting and shall not be used in the interpretation of the bylaws.

D. Historical information (adoption and approval dates) and cross-references appearing in brackets and footnotes are not part of the bylaws and have been inserted for reference purposes only.

- B. Section 10-120 is amended as follows: "Any person violating any provision of the General Bylaws shall be subject to a fine of \$100 for each offense, unless the bylaw specifically provides for a different amount."

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 6: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 20

To see if the Town will vote to adopt the following changes to Chapter 20, Elected Officials, of the General Bylaws:

- A. Section 20-215A (Town Clerk, Town Election) is amended to add the following underlined wording: "Not later than 60 days before the date of the Annual Town Election at which the term of office of any Town Meeting Members will expire, the Town Clerk shall notify all such Town Meeting Members of the expiration date of their term and shall make available to them a form of written notice of their intent to run for reelection pursuant to the provisions of MGL c. 53, § 10.
- B. Section 20-305B (Treasurer, Licenses and Permits) is amended as follows: "Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party."
- C. Section 20-305E (Treasurer, Licenses and Permits) is amended to delete the following wording: "bicycle permits (Chapter 85, Section 11A)." [Section 11A of MGL c. 85 was repealed in 2008.]

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 7: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 30

To see if the Town will vote to adopt the following changes to Chapter 30, Town Meetings, of the General Bylaws:

Section 30-115 (Procedural Rules) is amended to change "subject to the following provisions of this Article" at the end of the opening sentence to "subject to the following provisions of this section."

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 8: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 40

To see if the Town will vote to adopt the following changes to Chapter 40, Boards, Commissions and Committees, of the General Bylaws:

- A. Section 40-100B (General Provisions) is amended to delete "shall mean" from the beginning of each definition.
- B. Section 40-115D (Officers; records; annual report; conduct) is amended to change "open meeting laws" to "Open Meeting Law."
- C. Section 40-200I(6)(b) (Board of Selectmen) is amended as follows: "Any person violating any provision of Subsection I(6) or any rule, order, or regulation adopted under Subsection I(6)(a) shall be punished by a fine of \$200 for each offense."
- D. The following section of the 1981 bylaws is repealed: § 4.14, regarding the appointment of a sealer by the Board of Selectmen and setting the fees of the sealer.
- E. Section 40-305C(4) and (5) (Council on Aging) are amended to move the word "and" from the end of Subsection C(4) to the end of Subsection C(5) and to change the period at the end of Subsection C(5) to a semicolon.
- F. Section 40-310B (Disability Access Commission) is amended as follows:

The Disability Access Commission shall consist of seven regular and two alternate members appointed by the Board of Selectmen. A majority of the Commission members, including a majority of the regular members, shall consist of people with disabilities, one regular member shall be a member of the immediate family of a person with a disability, and one regular member shall be an elected or appointed official of the Town. The terms of regular and alternate members shall be three years and arranged so that the terms of 1/3 of the members expire each year. Upon the expiration of the term of a member, that member or a successor shall be appointed to a term of a duration which is consistent with the foregoing provisions of this subsection.

- G. Section 40-315F (Historic District Commission) is amended to change "or this Article" to "or this section."
- H. Section 40-315H (Historic District Commission) is amended as follows: "In case any subsection, paragraph or part of this section is for any reason declared invalid or unconstitutional by any court, every other subsection, paragraph or part shall continue in full force and effect."
- I. Section 40-320B (Planning Board) is amended to change "Building Inspector" to "Inspector of Buildings."
- J. Section 40-325H (Recreation Commission) is amended to change "Article 18 of the General By-Laws" to "this section" and to add the following underlined wording in Subsection H(2): "An enforcing person taking cognizance of a violation of any rule or regulation adopted under Subsection H shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D."

- K. Section 40-400G (Bylaw Review Committee) is amended to add the following underlined wording: "The Committee shall assist the Town Clerk in preparing the publication from time to time of appendices and supplements to the General Bylaws, including all amendments and additions thereto."
- L. Section 40-400H (Bylaw Review Committee) is amended to change "any provision of this Article" to "any provision of this section."
- M. Section 40-410A (Community Preservation Committee) is amended to change "this Article" to "this section."
- N. Section 40-410E (Community Preservation Committee) is amended as follows: "At all times this section shall be interpreted and implemented in a manner consistent with the Act, as amended. In case any subsection, paragraph or part of this section is for any reason declared invalid or unconstitutional by any court of last resort, every other subsection, paragraph or part shall continue in full force and effect."
- O. Section 40-420D (Permanent Building Advisory Committee) is amended to change "currently in progress at the time this bylaw is adopted" to "in progress as of December 13, 1999."
- P. Section 40-425F (Warrant Committee) is amended to change "this Article" to "this section."

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 9: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 60

To see if the Town will vote to adopt the following changes to Chapter 60, Public Health, Safety, Welfare and Environmental Protection, of the General Bylaws:

- A. Section 60-105 (Tobacco Products) is amended to delete "is defined as" from the beginning of each definition.
- B. Section 60-200(A) (Pets and Other Animals) is amended to change "aged" to "age" and Section 60-200A(3) is amended to delete the last sentence as follows: "A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter."
- C. Section 60-205A (Kennels) is amended to change "this article" to "this section"; to delete "shall mean" from the definitions of "kennel," "kennel license" and "kennel inspector"; to delete "shall be" from the definition of "licensing period"; and to move the following sentence, which was presented as a definition of "veterinary hospital," to the end of the definition of "kennel": "A veterinary hospital shall not be deemed to be a kennel, nor shall it be entitled to be so licensed, under this section."
- D. Section 60-205B(2)(g) (Kennels) is amended to change "this Article 28" to "this section."

- E. Section 60-205H (Kennels) is amended to correct the reference to MGL c. 140, § 136C, to MGL c. 140, § 137C.
- F. Section 60-300C(2) (Alarms) is amended to change "Chief of Police" to "Police Chief."
- G. Section 60-300E (Alarms) is amended as follows: "Each alarm user shall register his alarm device or devices with the administrator prior to use and annually as described below."
- H. Section 60-300H(1) (Alarms) is amended as follows: "No automatic dial alarm may be installed without the prior approval of the administrator."
- I. Section 60-300P (Alarms) is amended to change "this ordinance" to "this section" in Subsection P(2) and to revise the opening sentence as follows: "Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of \$100 for each such act."
- J. Section 60-300Q(4) (Alarms) is amended to add the following underlined wording: "The Administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or the master box will be disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the master box from being disconnected."
- K. Section 60-310C (Stretch Energy Code) is amended to add the word "or" as follows: "The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13 or 34, 61 or 93, as applicable."
- L. Sections 60-310E(1) (Stretch Energy Code) and 60-805A (Vehicles and Parking) are amended to change "this Article" to "this section."
- M. Section 60-400 (Door to Door Solicitation and Canvassing, Purpose) is amended as follows: "This article establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Belmont in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes and to allow for reasonable access to residents in their homes by persons or organizations who or which wish to communicate either commercial or noncommercial messages."
- N. Section 60-405 (Door to Door Solicitation and Canvassing, Definitions) is amended to change "shall mean and include" to "includes" in the definitions of "soliciting," "canvassing" and "residence" and to delete "shall mean" from the definition of "registered solicitor."
- O. Section 60-410 (Door to Door Solicitation and Canvassing, Registration) is amended as follows:
 - 1) In the first sentence: "Every person or organization intending to engage in soliciting or canvassing door to door in the Town of Belmont must file a registration application form with the Police Chief."
 - 2) In § 60-410A(6): "Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date of issue and expiration date of any permit or registration issued by those communities;"

- 3) In § 60-410B(5): "Name of the last three communities (if any) in which the applicant has solicited or canvassed door to door, complete with the date of issue and expiration date of any permit or registration issued by those communities;"
- P. Section 60-440 (Door to Door Solicitation and Canvassing, Violations and Penalties) is amended to change "Chief of Police" to "Police Chief" in Subsection B and to revise Subsection A as follows: "Any person or organization who or which shall violate any of the provisions of this bylaw or any applicable state or federal laws governing soliciting or canvassing, including but not limited to MGL c. 68, shall be subject to a of \$300 for each offense."
- Q. Section 60-605 (Noise, Definitions) is amended to delete "shall mean" from the beginning of each definition.
- R. Section 60-645B (Noise, Manner of Enforcement) is amended as follows: "Subsequent violations shall result in the immediate filing of a complaint."
- S. Section 60-800A (Streets and Sidewalks, Public Ways, Sidewalks and Rights-of-Way) is amended to add the word "or" as follows: "No person, other than an authorized Town agent, shall place or throw or cause to be placed or thrown onto any public sidewalk, street, fire hydrant, or highway or upon any of the common lands of the Town any snow, dirt, gravel or foreign substance, including excrement or noxious or slippery liquids or material, or suffer the same to remain thereon after being notified by a police officer to remove the same."
- T. Section 60-805E(1) (Streets and Sidewalks, Handicapped Parking) is amended to change "not less than" to "not fewer than."
- U. Section 60-805E(2) (Streets and Sidewalks, Handicapped Parking) is amended to replace "and shall be 12 feet wide or two eight-foot wide areas with four feet of cross hatch between them" with the following wording from MGL c. 40, § 21, Clause (23)(b):
- and shall be at least eight feet wide, not including the cross hatch access aisle as defined by the Architectural Access Board established in MGL c. 22, § 13A. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle.
- V. Section 60-805E(4) (Streets and Sidewalks, Handicapped Parking) is amended to change the fine from \$50 to \$100 [the minimum fine prescribed by MGL c. 40, § 21, Clause (24)].
- W. Section 60-805G (Vehicles and Parking, Violations and Enforcement) is amended to change "this Article 21" and "this Article" to "this section" and to add the following underlined wording: "The penalty for such violation shall be \$50 for each offense, except that the penalty for a violation of Subsection E(3) shall be \$100 for each offense."
- X. Section 60-810C(1) and (2) (Newsracks, Permit) are amended to change "the effective date of this bylaw" to "August 24, 2001."
- Y. Section 60-810E(1)(b) (Newsracks, Enforcement) is amended as follows: "If the administrator determines that the violation has not been corrected by the date for compliance, the administrator

may initiate removal proceedings in accordance with the provisions of Subsection E(2) and may assess a fine in accordance with provisions of Subsection F."

- Z. Section 610-810F(2), (3) and (4) (Newsracks, Violations and Penalties) are amended to change "this Article 27" to "this section."

or in any way act thereon.

The By-Law Review Committee will report on the article.

Majority vote required for passage. Yes ___ No ___

ARTICLE 10: AMEND GENERAL BY-LAWS: ARTICLE 34 STORMWATER MANAGEMENT AND EROSION CONTROL

To see if the Town will vote to amend Article 34 of the Town Bylaws, Stormwater Management and Erosion Control Bylaw, which article was added to the Town Bylaw pursuant to Article 23 of the Annual Town Meeting on May 8, 2013, as follows:

- 1. Amend Section 34.2 by adding, after the definition of "Stormwater Management Standards," the following definition:

"SUBSTANTIAL DEMOLITION – The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot."

and;

- 2. Amend Section 34.6.2 (Exempt Activities) by replacing the first sentence with the following:

"Activity on lots with one, two or three dwelling units existing as of the effective date of this Article, except for activity on any such lot associated with the substantial demolition of such dwelling unit(s) and activity on such lot thereafter, shall be exempt from Sections 34.4 and 34.6."

And further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the General Bylaws of the Town of Belmont.

or in any way act thereon.

(Submitted by the Board of Selectmen)

The By-Law Review Committee will report on the article.

Majority vote required for passage. Yes ___ No ___

ARTICLE 11: NEW GENERAL BY-LAW: RESIDENTIAL SNOW REMOVAL

To see if the Town will vote to amend Article 20 of the General Bylaws of the Town of Belmont by renumbering 20.15 to 20.16 and then by inserting a new Section 20.15 to provide for Residential Snow Removal; to read as follows:

Proposed Residential Snow Removal Bylaw

20.15 Any owner of residential property bordering on a street where there is a paved sidewalk shall be responsible for the removal of all snow and ice to the extent practicable down to the sidewalk's natural surface and otherwise treat the sidewalk as necessary to prevent slipping. This responsibility shall be subject to the following terms and conditions:

20.15.1 The removal and treatment of snow shall be accomplished within twenty-four (24) hours after the snow has ceased to fall. Treatment of sidewalks shall be accomplished within 24 hrs after ice has formed.

20.15.2 Snow and ice shall be removed from all portions of sidewalks to a width of 36 inches or in the case of sidewalks narrower than 36 inches to their full width.

20.15.3 The Board of Selectmen shall adopt rules and regulations providing for exemptions from the requirements of this Section 20.15 for persons for whom compliance would constitute a hardship.

20.15.4 Violation of this Section shall be disposed of in the discretion of the Office of Community Development. The provisions of this Section may be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws ("Section 21D"). The penalty for such violation shall be: First offense within a winter period - \$100; Second offense - \$200; Third offense and each succeeding offense - \$300.

20.16 In addition to the provisions for enforcement described above, the provisions of Sections 20.1, 20.2, 20.4.1, 20.5.1, 20.7, 20.9, 20.12, 20.13 and 20.14 and of this Article 20 and any regulations promulgated thereunder may also be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws ("Section 21D"); provided, however, that an enforcing person taking cognizance of such a violation shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof in accordance with the provisions of Section 21D. The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.

"Enforcing person" as used in this Section shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Board of Selectmen as an enforcing person.

or in any way act thereon.

(Submitted by the Board of Selectmen)

This article would 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.

The By-Law Review Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 12: APPROPRIATION: INSURANCE PROCEEDS

To see if the Town will vote to appropriate a sum of money from insurance proceeds in excess of \$20,000, in accordance with General Laws Chapter 44, Section 53; to reimburse departmental accounts used to pay for insured losses, or in any way act thereon.

(Submitted by the Town Accountant and Board of Selectmen)

The Warrant Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 13: APPROPRIATION: BAN PREMIUMS

To see if the Town will vote to appropriate, from Free Cash, the premium, net of issuance costs, paid to the Town in FY12, upon the sale of Bond Anticipation Notes ("BANs") for the Light Department's substation project, to pay costs of the project being financed or to reduce the amount authorized to be borrowed for such project, by the same amount; or in any way act thereon.

(Submitted by the Town Treasurer)

This article seeks to appropriate a sum of money from available free cash to reimburse the Belmont Municipal Light Department for premiums received by the Town in Fiscal Year 2012 for the sale of Bond Anticipation Notes related to the Light Substation Project.

The Warrant Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 14: AMEND FY13 BUDGET

To see if the Town will vote to amend its actions under Article 4 of the Annual Town Meeting (the Budget), by transferring sums between departments and/or categories within departments; or from available funds (Free Cash) or in any way act thereon.

(Submitted by the Board of Selectmen)

This article amends the current General Fund Budget for Fiscal Year 2013 (July 1, 2012 through June 30, 2013) as voted by Town Meeting on May 14, 2012. This is a standard article that is necessary to authorize the transfer of funds between functions, if needed, due to unanticipated and unforeseen expenses during the fiscal year.

The Warrant Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 15: EASEMENT: TRAPELO ROAD

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with 307 Trapelo LLC, the owner of the property at 307 Trapelo Road in Belmont, modifying the easement reserved in and under said property by the Town for drainage and storm sewer purposes in a deed recorded as Document No. 477408 in the Middlesex South District Registry of Deeds, so as to make the easement conform to the actual placement of drainage pipes and related structures in and under said property, including the authorization to accept additional

easement rights or to release existing easement rights in said property, all on such terms and conditions as the Board of Selectmen may deem appropriate.
Or in any way act thereon.

(Submitted by the Board of Selectmen)

The Warrant Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 16

AUTHORIZATION TO TRANSFER PROPERTY

To see if the Town will vote to transfer the care, custody, management and control of the following real property, now held for municipal electric purposes, from the Board of Selectmen acting as Municipal Light Board to said Municipal Light Board for municipal electric purposes and for the purpose of conveyance:

1. The land with all buildings and improvements now or hereafter constructed therein, thereunder or thereon, known as 20 Flanders Road, Belmont, and described in the deed to the Town from Peter A. Spinelli and Jayne M. Savage, Trustees of 20 Flanders Road Realty Trust, dated December 31, 2012, recorded with the Middlesex South District Registry of Deeds in Book 60866, Page 406; and
2. The exclusive easement in gross with all improvements now or hereafter constructed therein, thereunder or thereon as described in the Easement Agreement between Massachusetts Bay Transportation Authority and Town of Belmont, dated December 21, 2012 and recorded with said Deeds in Book 60825, Page 483;

and to authorize said Municipal Light Board, on such terms and conditions and for such consideration as it may deem appropriate, to convey all or any portion of, or any easement or right in, said properties;

and further to authorize the Municipal Light Board to acquire by gift, purchase or eminent domain such easements on any land abutting the 20 Flanders Road property as may be needed in connection with the demolition of the building now located at 20 Flanders Road or the construction of a new electric substation upon the 20 Flanders Road property,

or in any way act thereon.

(Submitted by the Belmont Municipal Light Department and Belmont Light Board)

The Warrant Committee and Capital Budget Committee will report on the article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 17

AMEND ZONING BYLAW: INCLUSIONARY HOUSING

To see if the Town will vote to amend the Zoning By-Laws by deleting Section 6.10, 'Inclusionary Housing' in its entirety and inserting a new Section 6.10, 'Inclusionary Housing', as follows:

6.10 Inclusionary Housing

6.10.1 Purpose

The purposes of this Section are to encourage the expansion and upgrade of the Town's affordable housing stock, in order to provide for a full range of housing choices for households of all incomes, ages and sizes; to prevent the displacement of low- to moderate-income Town residents; to increase the production of Affordable Units to meet existing and anticipated employment needs within the Town; to establish standards and guidelines in order to implement the foregoing; and to meet the requirements of MGL c. 40B and the Local Initiative Program.

6.10.2 Definitions

For purposes of this Section 6.10 of the Zoning By-Law, capitalized words shall mean as defined elsewhere in this By-Law or as defined below:

Affordable Housing Trust Fund - An account established and operated for the exclusive purpose of creating or preserving affordable housing in the Town. The Affordable Housing Trust Fund may be used for the following purposes within the Town: the purchase and improvement of land and Housing Units for the development of new and/or rehabilitated Housing Units for purchase or rental by Qualified Affordable Housing Purchasers or Tenants or to preserve existing affordable housing. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of the Belmont Housing Trust.

Affordable Housing Unit - A Housing Unit that by Deed Restriction is and shall remain affordable to and occupied by a Qualified Affordable Housing Unit Purchaser or Tenant, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program.

Belmont Resident – Since there is a “local preference” for some of the Affordable Housing Units, the people or households that may qualify for the local preference must be Belmont Residents, defined as follows:

- a. an individual or family maintaining a primary residence within the Town of Belmont;
or
- b. an individual who is employed at least 30 hours per week within the Town of Belmont; or
- c. a parent or guardian with children attending the Town of Belmont Public Schools.

Comparable Unit - When used with respect to quality, character, and room size, means that there are sufficient features in common between the Affordable Housing Unit and the Market Rate Housing Unit so as to render the units similar in nature. Moreover, while the actual design or finishes provided in the Affordable Housing Units versus the Market Rate Housing Unit may differ in a non-material fashion and still constitute Comparable Units, the same amenities proposed for the Market Rate Housing Unit must be provided for the Affordable Housing Units, including without limitation full kitchen, full bath, and

parking. Further, the actual room size for the Affordable Housing Unit may not differ in any significant manner to that of the Market Rate Housing Unit.

Notwithstanding the foregoing, when used with respect to external appearance, location and bedroom distribution, means that the external appearance of the Affordable Housing Unit and the Market Rate Housing Unit must be so similar in nature so as to render them indistinguishable while the location of the Affordable Housing Units and the bedroom distribution of such units must be no different from that of the Market Rate Housing Unit.

Deed Restriction - A provision, acceptable in form and substance to the Town of Belmont, in a deed to real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. Any Restriction created under this Section 6.10 shall survive any bankruptcy, insolvency, foreclosure, or other action, and shall not be subject to nullification for any reason. Additionally, the Restriction shall provide that in the event that any affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity to ensure that it remains affordable to households in the same income range as prior to the condominium conversion.

Development - A single parcel or set of contiguous parcels of land held in common ownership for which one or more building permits will be sought within a 24 month period of time. The number of Housing Units to be counted from any project shall be calculated as the net increase in the number of Housing Units as compared to the number of Housing Units in existence on such land as of the date that the building permit application is filed with the Town of Belmont Office of Community Development.

Dwelling Unit - A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both refrigerator and sink) not shared with any other unit; or quarters for up to five persons in a dormitory, congregate dwelling, or similar group dwelling.

Housing Unit -

- a. A Dwelling Unit; or
- b. A habitable unit within a senior or assisted living facility.

Market Rate Housing Unit – Housing Units available to the general public on the open market, without price restrictions or consumer income limitations.

Median Income – the mid-point of incomes of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development and regardless of housing type or ownership.

Mixed-Use Residential Development - A Development consisting of a combination of residential and non-residential uses.

Qualified Affordable Housing Unit Purchaser or Tenant - A household with total annual income that does not exceed eighty percent (80%) of the Median Income.

Residential Development – A Development consisting exclusively of Housing Units.

6.10.3 Applicability

This Section 6.10 shall apply to any Development with a residential component that requires a Special Permit pursuant to Section 3.3 of the Zoning By-Laws, Schedule of Use Regulations, or pursuant to any overlay district.

6.10.4 Requirements

- 1) Residential Developments that result in six (6) or more new Housing Units shall provide Affordable Housing Units as outlined in the table below:

Size of Residential Development	Percent of Affordable Housing Units Required for Residential Developments
6 to 12 Housing Units	10%
13 to 40 Housing Units	12%
More than 40 Housing Units	15%

- 2) Mixed-Use Residential Developments that result in ten (10) or more new Housing Units shall provide ten percent (10%) of the Housing Units within the subject Development as Affordable Housing Units.
- 3) Where the calculation of Affordable Housing Units results in a fractional unit greater than one-half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation results in a fractional unit less than or equal to one-half (.5), the fraction shall be rounded down to the next whole unit.
- 4) Rental Developments with units for households at 50% or less of Median Income may reduce the total number of required Affordable Housing Units by an amount equal to the number of units available to households at 50% or less of Median Income, or by 25% of the Affordable Housing Units required, whichever is less.
- 5) Except for cash payments permitted in Section 6.10.5 with respect to for-sale Developments, Affordable Housing Units shall be provided within the Development that requires the Affordable Housing Units.

6.10.5 Cash Payment Option for For-Sale Affordable Units

- 1) The applicant for a Residential Development of 6 to 9 for-sale new Housing Units may choose to make a cash payment to the Affordable Housing Trust Fund in lieu of providing any Affordable Housing Units. Such cash payment shall be equal to five percent (5%) of the value of each Market Rate Housing Unit in the Development.

- 2) The applicant for a Development of 10 or more for-sale new Housing Units may appeal to the Board of Appeals (ZBA) to make a cash payment to the Affordable Housing Trust Fund in lieu of providing any Affordable Housing Units required under this Section 6.10. Such cash payment shall be equal to five percent (5%) of the value of each Market Rate Housing Unit in the Residential Development resulting in the Affordable Housing Unit or three percent (3%) of the value of each Market Rate Housing Unit in the Mixed-Use Residential Development resulting in the Affordable Housing Unit. In making its decision, the ZBA shall seek a recommendation from the Belmont Housing Trust and consider such recommendation on this appeal.

6.10.6 Selection of Qualified Affordable Housing Unit Purchasers or Tenants

The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be pursuant to the Local Initiative Program, shall be administered as follows:

- 1) The selection process shall include a plan for marketing of the Affordable Housing Units created under this Section 6.10. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.
- 2) Belmont Residents shall be given preference for seventy percent (70%) of the Affordable Housing Units created under this Section 6.10.
- 3) Owners of Developments may sell or lease Affordable Housing Units to the Town of Belmont, the Belmont Housing Trust, the Belmont Housing Authority, or to a private nonprofit entity serving Belmont for the purpose of providing affordable housing opportunities within the Town, in order that such entity carry out the steps needed to market the Affordable Housing Units and manage the choice of buyers.

6.10.7 Timing of Construction

- 1) Occupancy permits for any new Market-Rate Housing Units or nonresidential space shall be issued at an equal ratio of occupancy permits for required Affordable Housing Units.
- 2) Affordable Housing Units shall be dispersed throughout the building(s) and shall be comparable to Market-Rate Housing Units. Affordable Housing Units provided under terms of this Section 6.10 shall be provided on-site in the subject Development.

For an Affordable Housing Unit within a senior or assisted living facility, a comparable Affordable Housing Unit shall include the provision of mandatory living services.

- 3) All documents necessary to ensure compliance with this Section 6.10 and the Local Initiative Program provisions shall be subject to the review and approval of the Special Permit Granting Authority and Town Counsel. Such documents shall be a

condition of the Special Permit and executed prior to the issuance of any Certificate of Occupancy.

6.11 Rental Development Annual Oversight and Monitoring

- 1) There shall be a monitoring agent for rental Developments with Affordable Housing Units, to be agreed upon by the owner of the Development and the Special Permit Granting Authority.
- 2) The owner shall be responsible for all payments charged by, or related to, the monitoring agent.
- 3) An annual independent compliance audit shall be submitted to the Town by the monitoring agent to insure compliance with this Section 6.10 and the Local Initiative Program provisions.

6.11.1 General Provisions

- 1) Enforcement of this Section 6.10, as it applies to all Developments, shall be the responsibility of the Town of Belmont Inspector of Buildings.
- 2) Provision of accessible Housing Units shall be as determined by Federal Regulations. Standards for accessible units shall comply with 24 C.F.R. Section 8.32.
- 3) This Section 6.10 shall not apply to the rehabilitation of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or a natural disaster; provided, however, no rehabilitation nor repair shall increase the density, bulk, or size of any such building or structure which previously existed prior to the damage or destruction thereof except in conformance with this Section 6.10.
- 4) This Section 6.10 shall not apply to Developments under Massachusetts General Laws (MGL) Chapter 40B.

6.11.2 Severability, Conflict with Other By-Laws

- 1) If a court of competent jurisdiction holds any provision of this Section 6.10 invalid, the remainder of this Section shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this Section shall not affect the validity of the remaining sections or parts of sections or the other By-Laws of the Town of Belmont.
- 2) Nothing contained in this Section 6.10 shall be construed to apply to the use of land or structures for religious or educational purposes if doing so would violate the applicable provisions of M.G.L. Chapter 40A, Section 3.
- 3) To the extent this Section 6.10 is silent on a particular issue or conflicts with the Local Initiative Program, the requirements of the Local Initiative Program shall govern.

or in any way act thereon.

(Submitted by the Planning Board and Belmont Housing Trust)

The Planning Board will report on the article.

Two-thirds vote required for passage.

Yes ___ No ___

ARTICLE 18:

CITIZEN PETITION: DEMOLITION MORATORIUM

We the undersigned residents of the Town of Belmont, request that the Board of Selectmen of the Town of Belmont, Massachusetts, place and article on the 2013 Special Town Meeting Warrant for a moratorium of one (1) year on the demolition of detached single-family Dwelling Units in the General Residence Zoning Districts, where such detached single-family Dwelling Unit is replaced with any residential Structure other than a single-family Dwelling on the same lot, while the Town engages in planning studies to address the affects of such demolition and construction and recommends long-term regulations consistent with sound land use planning goals and objectives.

Submitted by Precinct 3 and 4 Members:

Judith Ananian Sarno , Raffi Manjikian, Kevin Cunningham and Jan Kruse)

DEMOLITION MORATORIUM

10.0 Interim Controls – Demolition Moratorium

10.1 Purpose

The purpose of the Demolition Moratorium is to provide a temporary period of prohibition on the demolition of detached single-family Dwelling Units in the General Residence (GR) Zoning District only, where such detached single-family Dwelling Unit is replaced with any residential Structure other than a single-family Dwelling on the same lot, while the Town engages in planning studies to address the effects of such demolition and construction and recommends long-term regulations consistent with sound land use planning goals and objectives.

10.2 Development Restrictions

For the period established under Section 10.3, no demolition permit shall issue for any Structure defined as a detached single-family Dwelling where such detached single-family Dwelling is to be replaced with any residential Structure other than a single-family Dwelling, not shall any building permit issue for the construction on the same premises of a residential Structure other than a single-family Dwelling.

10.3 Time limitation

The provisions of this Section 10 shall expire on June 30, 2014; provided, however, that by vote at Town meeting before said date, they may be extended for an additional period to continue planning studies necessary to promote the establishment of long-term regulations consistent with sound land use planning goals and objectives.

The Planning Board will report on the article.

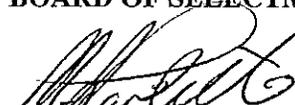
Two-thirds vote required for passage.

Yes ___ No ___

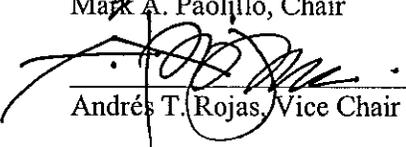


Given under our hands this 13th day of May, 2013.

BOARD OF SELECTMEN



Mark A. Paolillo, Chair



Andrés T. Rojas, Vice Chair

Ralph T. Jones



MOTIONS
2013 SPECIAL TOWN MEETING
(Draft Motions as of May 14, 2013)
(Subject to change)

OPENING & CALL TO ORDER

COMMENCE TOWN MEETING

MOVED: That the 2013 Special Town Meeting be called to order.

PRELIMINARY MOTION

ORDER OF THE ARTICLES

MOVED: That the Town Meeting hear the motions in the following order:
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

Vote: Majority

ARTICLE 1:

REPORTS

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees be accepted.

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

Vote: Majority

ARTICLE 2:

AMEND GENERAL BY-LAWS: REPEALS

MOVED: That sections § 28.9, § 28.10, § 24.6.3, § 24.14, and § 22.3 of the General Bylaws of the Town of Belmont be repealed.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 3:

AMEND GENERAL BY-LAWS: REORGANIZE AND RENUMBER

MOVED: That the Town amend the General Bylaws of the Town of Belmont by reorganizing and renumbering them by (a) designating the General Bylaws as Part I, Chapters 10 through 60; (b) renumbering each section of each bylaw accordingly; and (c) updating internal references to reflect the new organization and numbering, all as set forth in the documents on file in the office of the Town Clerk titled "Index to Reorganization and Renumbering of the General Bylaws of the Town of Belmont Under Article 3 of the Special Town Meeting of May 29, 2013," and "Final Draft of General Bylaws of the Town of Belmont showing changes to Captions, Numbers and Internal Cross-References Only," which documents are incorporated by reference in this Motion, and by making no other changes to the text of the General Bylaws.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 4: AMEND GENERAL BY-LAWS: RECODIFICATION

MOVED: That under Article 4, the reading of the proposed amendment to the Town's General By-Laws pertaining to recodification be dispensed with, the same being set forth in full under Article 4 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adopting the changes set forth in full under Article 4 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 5: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 10

MOVED: That under Article 5, the reading of the proposed amendment to the Town's General By-Laws pertaining to the amendments to Chapter 10 be dispensed with, the same being set forth in full under Article 5 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adding Sections 10-115B, C and D as set forth in full under Article 5 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 6: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 20

MOVED: That under Article 6, the reading of the proposed amendment to Chapter 20 of the Town's General By-Laws 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.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adopting the changes to Chapter 20 set forth in full under Article 6 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 7: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 30

MOVED: That under Article 7, the reading of the proposed amendment to the Chapter 30 of the Town's General By-Laws be dispensed with, the same being set forth in full under Article 7 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adopting the changes to Chapter 30 set forth in full under Article 7 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 8: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 40

MOVED: That under Article 8, the reading of the proposed amendment to Chapter 40 of the Town's General By-Laws be dispensed with, the same being set forth in full under Article 8 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adopting the changes to Chapter 40 set forth in full under Article 8 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 9: AMEND GENERAL BY-LAWS: RECODIFICATION OF CHAPTER 60

MOVED: That under Article 9, the reading of the proposed amendment to Chapter 60 of the Town's General By-Laws be dispensed with, the same being set forth in full under Article 9 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the General Bylaws of the Town of Belmont by adopting the changes to Chapter 60 set forth in full under Article 8 in the Warrant for this meeting.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

**ARTICLE 10: AMEND GENERAL BY-LAWS: ARTICLE 34
STORMWATER MANAGEMENT AND EROSION CONTROL**

MOVED: That the Town amend Article 34 of the Town Bylaws, Stormwater Management and Erosion Control Bylaw, which article was added to the Town Bylaw pursuant to Article 23 of the Annual Town Meeting on May 8, 2013, as follows:

1. Amend Section 34.2 by adding, after the definition of "Stormwater Management Standards," the following definition:

"SUBSTANTIAL DEMOLITION – The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot."

and;
2. Amend Section 34.6.2 (Exempt Activities) by replacing the first sentence with the following:

"Activity on lots with one, two or three dwelling units existing as of the effective date of this Article, except for activity on any such lot associated with the substantial demolition of such dwelling unit(s) and activity on such lot thereafter, shall be exempt from Sections 34.4 and 34.6."

And further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the General Bylaws of the Town of Belmont.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 11: NEW GENERAL BY-LAW: RESIDENTIAL SNOW REMOVAL

MOVED: That under Article 11, the reading of the proposed amendment to the Town's General By-Laws pertaining to "Residential Snow Removal" be dispensed with, the same being set forth in full under Article 11 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend Article 20 of the General Bylaws of the Town of Belmont pertaining to Residential Snow Removal by renumbering 20.15 to 20.16 and then by inserting a new Section 20.15 as set forth in full under Article 11 in the Warrant for this meeting.

And further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the General Bylaws of the Town of Belmont.

Reporting: The By-Law Review Committee will report on the article.

Vote: Majority

ARTICLE 12: APPROPRIATION: INSURANCE PROCEEDS

MOVED: That Article 12 be dismissed.

Vote: Majority

ARTICLE 13: APPROPRIATION: BAN PREMIUMS

MOVED: That the Town appropriate **\$163,809.24** from Free Cash, the premium, net of issuance costs, paid to the Town in FY12, upon the sale of Bond Anticipation Notes ("BANs") for the Light Department's substation project, to pay costs of the project being financed or to reduce the amount authorized to be borrowed for such project, by the same amount.

Reporting: The Warrant Committee will report on the article.

Vote: Majority

ARTICLE 14: AMEND FY13 BUDGET

[If transfers are not needed, the article will be dismissed]

MOVED: That the Town amend its actions under Article 4 of the 2012 Annual Town Meeting (the Budget), by transferring sums between departments and/or categories within departments; or from available funds (Free Cash).

Reporting: The Warrant Committee will report on the article.

Vote: Majority

ARTICLE 15: EASEMENT: TRAPELO ROAD

MOVED: That the Town authorize the Board of Selectmen to enter into an agreement with 307 Trapelo LLC, the owner of the property at 307 Trapelo Road in Belmont, modifying the easement reserved in and under said property by the Town for sanitary sewer purposes in a deed recorded as Document No. 477408 in the Middlesex South District Registry of Deeds, so as to make the easement conform to the actual placement of sanitary sewer pipes and related structures in and under said property, including the authorization to accept additional easement rights or to release existing easement rights in said property, all on such terms and conditions as the Board of Selectmen may deem appropriate.

Reporting: The Warrant Committee will report on the article.

Vote: Two-Thirds vote required for passage.

ARTICLE 16

AUTHORIZATION TO TRANSFER PROPERTY

MOVED: That the Town vote to transfer the care, custody, management and control of the following real property, now held for municipal electric purposes, from the Board of Selectmen acting as Municipal Light Board to said Municipal Light Board for municipal electric purposes and for the purpose of conveyance:

1. The land with all buildings and improvements now or hereafter constructed therein, thereunder or thereon, known as 20 Flanders Road, Belmont, and described in the deed to the Town from Peter A. Spinelli and Jayne M. Savage, Trustees of 20 Flanders Road Realty Trust, dated December 31, 2012, recorded with the Middlesex South District Registry of Deeds in Book 60866, Page 406; and
2. The exclusive easement in gross with all improvements now or hereafter constructed therein, thereunder or thereon as described in the Easement Agreement between Massachusetts Bay Transportation Authority and Town of Belmont, dated December 21, 2012 and recorded with said Deeds in Book 60825, Page 483;

and to authorize said Municipal Light Board, on such terms and conditions and for such consideration as it may deem appropriate, to convey all or any portion of, or any easement or right in, said properties;

and further to authorize the Municipal Light Board to acquire by gift, purchase or eminent domain such easements on any land abutting the 20 Flanders Road property as may be needed in connection with the demolition of the building now located at 20 Flanders Road or the construction of a new electric substation upon the 20 Flanders Road property.

Reporting: The Warrant Committee and Capital Budget Committee will report on the article.

Vote: Two-Thirds vote required for passage.

ARTICLE 17:

AMEND ZONING BY-LAW – INCLUSIONARY HOUSING

MOVED: That under Article 17, the reading of the proposed amendment to the Town's Zoning By-Laws pertaining to "Inclusionary Housing" be dispensed with, the same being set forth in full under Article 17 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town amend the Zoning By-Laws of the Town of Belmont by deleting Section 6.10, 'Inclusionary Housing' in its entirety and inserting a new Section 6.10, 'Inclusionary Housing', as set forth in full under Article 17 in the Warrant for this meeting.

Reporting: The Planning Board will report on the article.

Vote: Two-Thirds vote required for passage.

MOTION SUBMITTED BY PETITIONERS

MOVED: That under Article 18, the reading of the proposed amendment to the Town's Zoning By-Laws pertaining to General Residence Zoning Districts, and the proposed Demolition Moratorium, be dispensed with, the same being set forth in full under Article 18 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

Vote: Majority

MOVED: That the Town vote to amend the Zoning Bylaws of the Town of Belmont by adopting a "Demolition Moratorium" of (1) year on the demolition of detached single-family Dwelling Units in the General Residence (GR) Zoning District only, where such detached single-family Dwelling Unit is replaced with any residential Structure other than a single family Dwelling on the same lot as set forth in full under Article 18 in the Warrant for this meeting.

Reporting: The Planning Board will report on the article.

Vote: Two-Thirds vote required for passage.

CLOSING MOTIONS:

MOTION TO DISSOLVE TOWN MEETING

MOVED: That the Special Town Meeting be dissolved.

Vote: Majority

OR

MOTION TO CONTINUE TOWN MEETING

MOVED: That the Special Town Meeting be adjourned to 7:00 p.m. on Wednesday, June 12, 2013, at the Auditorium of the Chenery Middle School.

Vote: Majority

Articles 2 – 9 Recodification Project of General By-Laws

Project Description

Over the course of the past two years, the By-Law Review Committee, under guidance from Town Counsel, has been conducting a project to “recodify” Belmont’s General By-Laws. The purpose of the project is to reorganize the By-Laws to make them more usable and accessible as well as to examine them for inconsistencies within the By-Laws and with the Massachusetts General Laws. The Town engaged the services of a well-respected vendor, General Code, for this project. The results of the project are two-fold:

1. A newly reorganized and renumbered set of By-Laws, consistent with Massachusetts General Laws, that are:
 - a. easily and dynamically searchable and accessible online
 - b. easily searchable and usable in paper form
2. General By-Laws that are indexed and continually reviewed by General Code for changes in the Massachusetts General Laws that could create conflicts with our By-Laws:
 - a. Notifications will be sent to the Town when those changes occur
 - b. The Town’s By-Law Review Committee, in consultation with Town Counsel, will then decide whether and how to recommend appropriate changes to the General By-Laws.

Warrant Articles

The eight articles on the Special Town Meeting Warrant for May 29th are required to have the new General By-Laws approved by the Attorney General. There are four types of articles on the Warrant:

- A. Repeals: (Article 2) Repeal By-Laws that are no longer required or have been determined to be in conflict with Massachusetts General Laws
- B. Reorganization and renumbering: (Article 3) Reorganize and renumber the By-Laws into a new numbering scheme developed by the By-Law Review Committee
- C. General Recodification: (Article 4) Amend language throughout the By-Laws to eliminate inconsistencies
- D. Recodification of Specified Chapters: (Article 5-9) Amend language within the specific Chapters, Articles and Sections of the By-Laws resulting in consistent language.

Attached to this document, please find “Index to Reorganization and Renumbering of the General By-Laws” that shows the proposed organizational structure. The By-Law Review Committee has held many public meetings at which the new organizational structure and specific language amendments to the By-Laws were discussed and approved.

The By-Laws and Appendix, consisting of 124 pages as recommended for vote by Town Meeting, is viewable in paper form at the Town Clerk’s office and Library and online at www.belmont-ma.gov select Town Departments, then Town Clerk, select Town Meeting Member Information, then see Special Town Meeting of May 29, 2013, or follow the link:
http://www.town.belmont.ma.us/Public_Documents/BelmontMA_Clerk/Town%20Meeting%20Member%20Information

Town Meeting Members and residents who would like to see the online search capability are welcome to view examples, such as the Town of Westwood, Massachusetts General Bylaws by selecting the General Bylaws Quicklink on the Town of Westwood Homepage:
<http://www.townhall.westwood.ma.us/>

Index to Reorganization and Renumbering of the General Bylaws of the Town of Belmont Under Article 3 of the Special Town Meeting of May 29, 2013

Note: All references in parentheses are not part of the new General Bylaws, but are shown for informational purposes to identify the new location of the text of the General By-Laws as they were adopted and organized prior to May 29, 2013. If no section number appears in parentheses, the entire article will be relocated as indicated below. The Table of Contents and all appendices are also not within a by-law, but are shown for informational purposes to aid the reader or to facilitate reference to the General By-Laws as they will be organized as recommended by the By-Law Review Committee.

The term "Reserved" as used below designates a place holder to allow later insertion of an article or section in the suggested topic. No text appearing in the General Bylaws as they were adopted and organized prior to May 29, 2013 will appear under those headings. No language is being submitted for the May 29, 2013 Special Town Meeting.

Part 1 General Bylaws (showing existing General By-Laws)

Chapter 10 General Provisions (Article 1)

Chapter 20 Elected Officials

- Article 1 (Moderator - Reserved)
- Article 2 Town Clerk (Article 5)
- Article 3 Town Treasurer (Article 6)

Chapter 30 Town Meetings (Article 2)

Chapter 40 Boards, Commissions and Committees

- Article 1 General Provisions (Article 3)
- Article 2 Elected Boards, Commissions and Committees
 - Section 200 Board of Selectmen (Article 4)
 - Section 205 (School Committee – Reserved)
 - Section 210 (Board of Assessors – Reserved)
 - Section 215 Board of Cemetery Commissioners (Article 10)
 - Section 220 Board of Health (Article 8)
 - Section 225 Trustees of the Public Library (Article 9)

Article 3 Boards and Commissions Appointed By the Board of Selectmen

- Section 300 Conservation Commission (Article 29)
- Section 305 Council on Aging (Article 14)

- Section 310 Disability Access Commission (Article 31)
- Section 315 Historic District Commission (Article 15)
- Section 320 Planning Board (Article 17)
- Section 325 Recreation Commission (Article 18)
- Section 330 Water Advisory Board (Article 7)

Article 4 Other Appointed Committees

- Section 400 By-Law Review Committee (Article 25)
- Section 405 Capital Budget Committee (Article 13)
- Section 410 Community Preservation Committee (Article 33)
- Section 415 Permanent Audit Committee (Article 16)
- Section 420 Permanent Building Advisory Committee (Article 12)
- Section 425 Warrant Committee (Article 19)

Chapter 50 Position Classification and Compensation Plan (Article 11)

Chapter 60 Public Health, Safety, Welfare and Environmental Protection

Article 1 Alcohol, Tobacco and Firearms

- Section 100 Alcoholic Beverages (Article 20, Sections 9 &10)
- Section 105 Tobacco Products (Article 20, Section 14)
- Section 110 Discharge of Firearms (Article 20, Section 8)
- Section 115 Violations and penalties (Article 20, Section 15)

Article 2 Animals

- Section 200 Pets and Other Animals (Article 20, Section 11)
- Section 205 Kennels (Article 28)

Article 3 Buildings and Construction

- Section 300 Alarms (Article 24)
- Section 305 Emergency Personnel Communication Facilitation (Article 20, Section 13)
- Section 310 Stretch Energy Code (Article 32)
- Section 315 Violations and penalties (Article 20, Section 15)

Article 4 Door-to-Door Solicitation and Canvassing (Article 30)

- Section 400 Purpose (Article 30, Section 1)
- Section 405 Definitions (Article 30, Section 2)
- Section 410 Registration (Article 30, Section 3)
- Section 415 Registration Fee (Article 30, Section 4)
- Section 420 Registration Cards (Article 30, Section 5)
- Section 425 Exceptions (Article 30, Section 6)
- Section 430 Duties of Persons Going Door to Door (Article 30, Section 7)
- Section 435 Restrictions on Methods of Solicitation, Canvassing or other Door-to-Door Activities (Article 30, Section 8)
- Section 440 Violation and penalties (Article 30, Section 9)

- Section 445 Appeals (Article 30, Section 10)
- Section 450 Severability (Article 30, Section 11)

Article 5 Flammable Fluids, Solids and Gases (Article 22)

- Section 500 License Required (Article 22, Section 1)
- Section 505 Classification of Flammable Fluids (Article 22, Section 2)
- Section 510 Annual Registration (Article 22, Section 4)

Article 6 Noise (Article 23)

- Section 600 Declaration of Policy (Article 23, Section 1)
- Section 605 Definitions (Article 23, Section 2)
- Section 610 Designated Noise Zones (Article 23, Section 3)
- Section 615 Exterior Noise Standards (Article 23, Section 4)
- Section 620 Construction Noise Standards (Article 23, Section 5)
- Section 625 Maintenance Noise Standards (Article 23, Section 6)
- Section 630 Exemptions (Article 23, Section 7)
- Section 635 Prima facie Violation (Article 23, Section 8)
- Section 640 Violations and penalties (Article 23, Section 9)
- Section 645 Manner of Enforcement (Article 23, Section 10)
- Section 650 Severability (Article 23, Section 11)

Article 7 Recycling Program (Article 26)

- Section 700 Program Established (Article 26, Section 1)
- Section 705 Purposes (Article 26, Section 2)
- Section 710 Definition (Article 26, Section 3)
- Section 715 Separation of Recyclables for Collection (Article 26, Section 4)
- Section 720 Failure to Comply (Article 26, Section 5)
- Section 725 Removal of Recyclables Placed at Curbside (Article 26, Section 6)
- Section 730 Rules and Regulations (Article 26, Section 7)
- Section 735 Enforcement (Article 26, Section 8)
- Section 740 Severability (Article 26, Section 9)

Article 8 Streets and Sidewalks

- Section 800 Public Ways, Sidewalks and Rights of Way
(Article 20, Sections 1- 7, 12, 15)
- Section 805 Vehicles and Parking (Article 21)
- Section 810 Newsracks (Article 27)

Part 2 Zoning By-Laws – will not be done at this time.

Cushman, Ellen

From: TownClerk
Sent: Thursday, May 23, 2013 4:11 PM
To: TownClerk
Cc: Cushman, Ellen
Subject: For Belmont Town Meeting Members - Amendments for Special Town Meeting May 29, 2013 7 pm Belmont High School Auditorium (7 pages)

Attachments: 2013-5-29 STM Amendments Filed by deadline.pdf

You have received this message because you are currently a Belmont Town Meeting Member, Department Manager or Member of the Media

Attached please find the amendments, totaling seven (7) pages for the upcoming Special Town Meeting to be held Wednesday, May 29, 2013 at 7 pm Belmont High School Auditorium:

Article 4: General Reodification –
Amendment 1 Edward Kazanjian, Precinct 6 Town Meeting Member
Amendment 2 Edward Kazanjian, Precinct 6 Town Meeting Member

Article 10: Stormwater Management & Erosion Control General By-Law
Amendment by By-Law Review Committee

Article 11: Residential Snow Removal By-Law
Amendment by Robert McGaw, Precinct 1 Town Meeting Member

Article 17: Inclusionary Housing (Zoning Bylaw)
Amendment by Planning Board

Article 18: Citizen Petition – Demolition Moratorium (Zoning Bylaw)
Amendment by Raffi Manjikian and Judith Ananian Sarno

I have received a request from two Town Meeting Members to include the active link again to the Town Meeting Member Information page on the Town Clerk's website, which contains all documents you've been mailed as well as resource documents for the Recodification Articles 2-9 (specifically for Article 3, the renumbering and reorganization: the final draft of the recodified Bylaws and the redline showing the new overall organization and internal references). Here is that link:

http://www.belmont-ma.gov/Public_Documents/BelmontMA_Clerk/Town%20Meeting%20Member%20Information

Ellen O'Brien Cushman
Town Clerk
455 Concord Avenue
Belmont, MA 02478
phone: 617-993-2604
email: ecushman@belmont-ma.gov

From: Edward Kazanjian [mailto:eakazanjian@verizon.net]
Sent: Monday, May 20, 2013 6:42 PM
To: Cushman, Ellen
Subject: Re: RE: RE: Article 4 Special Town Meeting

Ed Kazanjian
Town Meeting Member, Precinct 6

Article 4 Special Town Meeting Two Amendments

Amendment 1

Moved: to amend the main motion of Article 4 of the Special Town Meeting, May 29, 2013 as follows:

Item C. by deleting the phrase "To update the terms 'Chairman' and 'Chairperson' to 'Chair.'" and replacing it with the following phrase :

"To update the terms "Chair" and "Chairperson" to "Chairman".

Rationale: I would propose, Chairman be used exclusively. The title of the position is Chairman. It is a gender neutral word as are Director or Governor. When addressing a female Chairman you might say, "Madam Chairman". There is great support for this in Robert's Rules, National Association of Parliamentarians, etc. I am able to site many proper uses of Chairman when referencing a female. I do not want our "politically correct and gender neutral society to make this change. It may be politically correct to a minority but it is not a proper use.

Amendment 2

Moved: to amend the main motion of Article 4 of the Special Town Meeting, May 29, 2013 as follows:

Item E. by adding after the phrase, "are cited in numeric form only;" , the phrase "except when a number begins a sentence or when round numbers greater than 10 are used.;

Rationale: The proposed language would require the sentence. "10 little Indians are arriving." when it should be written "Ten little Indians are arriving." AND require "We are enlisting 1,000,000 workers." when it should be written "We are enlisting a million workers." Another example would be "The temperature stayed in the 90s." when it should be written, "The temperature stayed in the nineties."

Special Town Meeting - Article 10
Stormwater Management & Erosion Control
By-Law Review Committee

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TOWN OF BELMONT

2013 SPECIAL TOWN MEETING

MAY 23 3 47 PM '13

Amendment to Article 10 offered by the By-Law Review Committee

Moved: To amend the main motion of item 2 under Article 10 by deleting the sentence that begins " Activity on lots with one, two or three... Sections 34.4 and 34.6" and replacing it with the following sentence:

"Alterations on lots with one, two or three dwelling units existing as of the effective date of this Article shall be exempt from Sections 34.4 and 34.6, except for Alterations associated with the Substantial Demolition of such dwelling unit(s) and Alterations thereafter on the same lot."

Special Town Meeting - Article 11
Residential Snow Removal - Robert E. McGaw

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Robert E. McGaw

23 Louise Road • Belmont • Massachusetts 02478-3922

617-484-6518 robert.mcgaw@gmail.com

Thursday, May 23, 2013

Town Clerk
Town of Belmont
Belmont Town Hall
Belmont, MA 02478

Amendment of Special Town Meeting Warrant Article 11 regarding residential sidewalk snow removal

Dear Ms. Cushman:

I attach an amendment, which I am hereby proposing to Article 11 of the Warrant for the May 29, 2013 Special Town Meeting. This amendment replaces the earlier amendment to Article 11 that I filed. This new proposed amendment incorporates comments that I received from various town officials. The purpose of this amendment is to moderate the fines and deadlines, provide for exemptions, and provide informal non-criminal administrative proceedings to deal with violations.

Sincerely,
Robert E. McGaw
Robert E. McGaw

Cc: Bylaw Review Committee

Enclosure: Final version: Amendment to Warrant Article 11

Final Version

Amend Warrant Article 11 "Residential Snow Removal" in its entirety to read as follows:

To see if the Town will vote to amend Article 20 the General By-Laws of the Town of Belmont by renumbering Section 20.15 to be 20.16, and then by inserting a new Section 20.15 as follows:

"20.15 Residential Property Snow Removal.

20.15.1 Purpose. Since pedestrians are safer when walking on Sidewalks than when walking in the streets used by vehicular traffic, the purpose of this Section 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 wheel chairs, persons using carriages to transport children, and students walking to school.

20.15.2 Definitions. For the purposes of this Section, the following terms shall have the following definitions:

- (a) OBLIGATED PERSON - the owner of record of a residential property or the person to whom responsibility for compliance with this Section has been duly delegated in accordance with Subsection 20.15.4, as the case may be.
- (b) 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.

20.15.3 Obligations. Snow, slush, and ice shall be removed from the Sidewalk, in accordance with the deadlines set forth in Subsection 20.15.5, to a width of at least 36 inches or, if the Sidewalk is narrower, for the full width of the Sidewalk.

20.15.4 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 Section 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 by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease.

20.15.5 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 p.m. the following day, and the Sidewalk shall be treated with salt or other melting compounds, sand, ashes, 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 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 20.15.5 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 p.m. on the day following the end of their temporary absence.

20.15.6 Rules and Regulations. The Board of Selectmen shall adopt rules and regulations further implementing this Section, including, without limitation, provisions and hearing procedures for exemptions from the requirements of this Section 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 Obligate Person causes portions of the residential property to be cleared of snow, slush, or ice for vehicular access from the street.

20.15.7 Fines. Fines for violations of this Section shall be on the following schedule: First offense – written warning, Second offense – \$50, Third and successive offences – \$100 each, to a maximum of \$350 per winter season (October 1 – April 30). In situations where there is more than one Obligated Person, such fines may be assessed jointly or individually.

20.15.8 Enforcement.

- (a) A person who is an “Enforcing Person” as defined in Section 20.16 shall take appropriate action with respect to observed or reported violations of this Section.
- (b) An Enforcing Person taking cognizance of such a violation, shall promptly send the alleged offender a non-criminal written citation thereof by 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 Section, 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 Section 20.16, other than those establishing penalties, shall be applicable.

20.15.9 Not Evidence. Except as required by applicable law, violations of this Section 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.

20.15.10 Sunset. Section 20.15 shall cease to be effective two years after the date on which it is first effective.”

And by amending Section 20.16 to read as follows:

“20.16 In addition to the provisions for enforcement set forth elsewhere in this Article, the provisions of Sections 20.1, 20.2, 20.4, 20.5, 20.7, 20.9, 20.12, 20.13, and 20.14, of this Article 20 and any regulations promulgated thereunder may also be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws (“Section 21D”); provided, however, that an enforcing person taking cognizance of such a violation shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof in accordance with the provisions of Section 21D. The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.

“As used in this Article, “Enforcing Person” shall mean any police officer of the Town, the Director of Public Works, and any other Town employee designated by the Board of Selectmen as an enforcing person.”

or in any way act thereon.

Special Town Meeting - Article 17
Inclusionary Housing - Planning Board

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TOWN OF BELMONT
2013 SPECIAL TOWN MEETING

MAY 23 11 51 AM '13

Amendment 1 to Article 17 offered by the Planning Board

Amend Zoning Bylaw: Inclusionary Housing

MOVED: That the numbering of the last three (3) section titles (Rental Development Annual Oversight and Monitoring, General Provisions, and Severability, Conflict with Other By-Laws) in 6.10, Inclusionary Housing, be amended by replacing '6.11', '6.11.1', and '6.11.2' with '6.10.8', '6.10.9', and '6.10.10' as follows –

- 6.10.8 **Rental Development Annual Oversight and Monitoring**
- 6.10.9 **General Provisions**
- 6.10.10 **Severability, Conflict with Other By-Laws**

Reason for Amendment:

The three (3) last sections of the Inclusionary Housing Bylaw are part of Section 6.10 and not 6.11 and therefore, the last three sections should continue in ascending numeric order.

TOWN OF BELMONT

MAY 23 3 52 PM '13

2013 SPECIAL TOWN MEETING

Amendment 1 to Article 18 offered by Raffi Manjikian and Judith Ananian Sarno

Citizen Petition: Demolition Moratorium

MOVED: That Article 18 be amended in the following places:

- a. Delete the word 'affects' in the 6th line of the opening paragraph and replace it with the word 'effects', so that the text reads as follows:

"..., while the Town engages in planning studies to address the effects of such demolition and construction"

- b. In Section 10.2, the word 'not' after the comma be replaced with the word 'nor', so that Section 10.2 reads as follows:

10.2 Development Restrictions

'..., nor shall any building permit issue'

- c. In Section 10.2, the word 'issue' in the last sentence be replaced with the words 'be issued', so that Section 10.2 reads as follows:

10.2 Development Restrictions

'..., nor shall any building permit be issued for the construction'

Reason for Amendments:

This amendment corrects typos.