



TOWN OF BELMONT
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SELECTMEN

MARK A. PAOLILLO, Chair
ANDRÉS T. ROJAS, Vice-Chair
RALPH T. JONES

TOWN ADMINISTRATOR

DAVID J. KALE

October 11, 2013

Dear Town Meeting Members:

Enclosed please find the Warrant for the **Special Town Meeting** scheduled for 7:00 p.m. on **Monday, November 4, 2013** at the Chenery Middle School Auditorium.

Should the business of the Special Town Meeting not conclude on November 4th, the meeting will be continued to 7:00 p.m. on Wednesday, November 6, 2013 at the Chenery Middle School Auditorium.

As you will see from the attached materials, the Special Town Meeting Warrant includes five (5) articles which include the following:

Article 1: Reports from the Board of Selectman, Board, Committees and Other Town Officials.

Article 2: Appropriation and Authorization to borrow up to \$960,000 for reconstruction and repair of the Harris Field Complex based on updated costs estimates. Based on these estimates, this appropriation will allow for the replacement of the artificial field, resurfacing of the existing track, other repairs and enhancements. Financing of this project will be provided through the issuance of bonds. An existing bond issue for another project will be paid-off in FY15 and will be replaced by the financing of this project. If approved, the project will be publically bid in early 2014 with construction completed in August 2014.

Article 3: This Demolition Delay Bylaw represents a collaborative effort between the BOS, Historic District Commission (HDC), Planning Board and Bylaw Review Committee. Enclosed in this mailing, please find the List titled, *Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw*. Additional buildings can not be added to this List. This Bylaw provides owners of any building identified on the List the right to appeal to the Board of Selectman to have the building removed from the List. The basis of the appeal shall be limited to a factual demonstration that the building does not qualify to be a Significant Building based on criteria contained within the Bylaw. If an owner of a Significant Building contained on the List seeks a Demolition Permit but that building is determined to be Preferably Preserved by the HDC, a delay of 6 months for residential buildings and 12 months for commercial, instructional and religious buildings will be in effect. In addition, this Bylaw shall be null and void and of no force and effect on and after June 30, 2016 unless it is extended or a new Bylaw is adopted by Town Meeting. Using the 2013 Community Preservation Funds, the HDC will be

developing a new inventory of historic buildings, which should be completed prior to June 30, 2016. This new inventory could be included in a revised Bylaw prior to June 30, 2016.

Article 4: This Residential Snow Removal Bylaw was deferred from last spring. In addition, this Bylaw is null and void and of no force and effect on and after April 30, 2015. This will allow the Town two full winter seasons to evaluate the effectiveness of the Bylaw in order to determine if the Bylaw should be made permanent.

Article 5: This Article to create a general Bylaw regulating Yard Sales was placed on the Warrant by a Citizen Petition, having provided the language of the proposed Bylaw and certified signatures of more than 100 Belmont voters. The Bylaw Review Committee has already reviewed the submitted Warrant Article and has provided a simplified substitute motion that conforms to the General Bylaws and is included with this mailing.

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.

The customary Warrant Discussion Night, co-sponsored by the League of Women Voters and the Warrant Committee is scheduled for Monday, October 28, 2013 at 8:00 pm at the Beech Street Center.

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, Chair
Andrés Rojas, Vice Chair
Ralph Jones

BOARD OF SELECTMEN



**TOWN OF BELMONT
WARRANT FOR 2013 SPECIAL TOWN MEETING
NOVEMBER 4, 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 Chenery Middle School Auditorium on **MONDAY, NOVEMBER 4, 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 Special Town Meeting to allow town officials and committees to report when necessary.

Majority vote required for passage.

Yes___ No___

ARTICLE 2:

APPROPRIATION OF CAPITAL EXPENDITURES

To see if the Town will vote to appropriate a sum of money to purchase materials and perform repairs (including major improvements) to the Harris Field complex and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow and issue bonds and to take any other actions necessary and incidental thereto, or in any way act thereon.

This article is to fund the reconstruction and repair of the Harris Field complex, including the turf field and related infrastructure, at the Belmont High School. The recommendations of the Capital Budget Committee for the expenditure will be provided prior to the November session of Special Town Meeting.

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

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

Yes___ No___

ARTICLE 3:**GENERAL BYLAWS - DEMOLITION DELAY**

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by adding a new Section 60-320 as follows:

§60-320. DEMOLITION DELAY**A. Intent and Purpose.**

This Section is adopted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this Section, owners of Preferably Preserved Buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such Buildings; and residents of the Town are alerted to impending demolitions of Significant Buildings. By preserving and protecting Significant Buildings, this Section promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes, the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to Demolition Permit Applications.

B. Time Limitation.

The provisions of this Section shall be null and void and of no force and effect on and after June 30, 2016.

C. Definitions.

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

- (a) APPLICANT – Any person or entity that files an Application for a Demolition Permit.
- (b) APPLICATION – An Application for a Demolition Permit.
- (c) BUILDING – A roofed Structure enclosing useful space.
- (d) COMMISSION – The Belmont Historic District Commission.
- (e) DEMOLITION – The removal or dismantling of a Building in whole or substantial part, with or without the intent to replace the construction so affected. For purposes of this Section, the term "Demolition" shall not include routine maintenance, interior renovations, removal or construction of porches, decks, windows, additions or other types of renovations for which Commission approval is generally not required.
- (f) DEMOLITION PERMIT – The permit required by the Inspector of Buildings for Demolition of a Building, excluding a permit required solely for the Demolition of the interior of a Building.
- (g) INSPECTOR OF BUILDINGS – The person authorized by law to issue Demolition Permits within the Town of Belmont.
- (h) LIST – A list of Buildings, entitled *Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw*, prepared by the Commission and on file with the Town Clerk, adopted pursuant to Subsection D.

- (i) **PREFERABLY PRESERVED BUILDING** – Any Significant Building that the Commission determines, following a public hearing, should be preserved or rehabilitated rather than demolished.
- (j) **SIGNIFICANT BUILDING** – A Building that is listed on the List.
- (k) **STRUCTURE** – Anything constructed or erected, the use of which requires fixed location on the ground.

D. The List of Buildings.

1. Upon the effective date of this Section, the Commission shall notify the owner of record of any Building identified on the List as originally filed, of the owner's right to appeal to the Board of Selectmen within 60 days of such notice to have the Building removed from the List. The basis for this appeal shall be limited to a factual demonstration that the Building does not qualify to be a Significant Building, based upon the following considerations:
 - Whether the Building is associated with events that have made a significant contribution to our history;
 - Whether the Building is associated with the lives of persons historically significant in our past;
 - Whether the Building embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction;
 - Whether the Building has recognized national, state, or local level historical significance;
 - The historic context of the Building; and,
 - The integrity of the historic Building.
2. Additional Buildings shall not be added to the List.
3. Buildings that are located within the McLean Hospital National Historic District, the Common Street Historic District, the Pleasant Street Historic District and the Richardson Farm Historic District, as well as the Belmont Center Fire Station and Waverley Square Fire Station and all municipal buildings shall be ineligible for inclusion on the List.
4. The Demolition of a Building following the issuance of a Demolition Permit shall automatically result in the removal of such Building from the List.

E. Review Procedure.

1. No Demolition Permit for a Significant Building shall be issued until the provisions of this Section have been satisfied.
2. An Applicant proposing to demolish a Significant Building shall file with the Inspector of Buildings an Application containing the following information:
 - The address of the Building to be demolished;
 - The owner's name, address and telephone number;

- A description of the Building;
- A photograph or photographs of the Building and photographs of neighboring Buildings.

If the Applicant is not the owner of the Building, the Application shall demonstrate the owner's assent to the filing of the Application.

3. The Inspector of Buildings shall, within seven days of receipt of such Application, forward a copy thereof to the Commission.
4. Within 35 days of receipt of the Application from the Inspector of Buildings, the Commission shall hold a public hearing to determine if it is in the public interest for a Significant Building to be preserved or rehabilitated rather than demolished and, based on such determination, whether the Significant Building is a Preferably Preserved Building. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting notices posted in Belmont under the Open Meeting Law, MGL c.30A, §20, for a period of not less than seven days prior to the hearing date. The Inspector of Buildings, the Applicant and the owner of the Building (if different from the Applicant) shall be notified in writing of the meeting time and place no less than 14 days prior to the hearing date.
5. Within 10 days of the first date of such Public Hearing, the Commission shall provide written notification to the Inspector of Buildings and the Applicant of its determination as to whether the Significant Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission and notification to the Inspector of Buildings may be postponed to a specified date. If the Commission does not provide written notification to the Inspector of Buildings and the Applicant of its determination in writing by such deadline, then the Inspector of Buildings may issue the Demolition Permit.
6. If the Commission determines that the Significant Building is not a Preferably Preserved Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.
7. If the Commission determines that the Significant Building is a Preferably Preserved Building, a Demolition Permit may thereafter be issued no sooner than six months for residential buildings and 12 months for commercial, institutional, and religious Buildings after the date that the Application was filed with the Inspector of Buildings, unless a shorter time is otherwise authorized by the Commission based on its finding that the intent and purpose of this Section, as provided in Subsection A hereof, will be adequately served. If a Building is of mixed-use, having both residential and commercial, institutional or religious uses, then the relevant delay for the issuance of a Demolition Permit shall be the longer of the applicable delay periods.

F. Responsibility of Owners.

1. The owner of a Significant Building for which a Demolition Permit is being sought shall:
 - Provide such information as is reasonably requested by the Commission in connection with its consideration of whether the Significant Building is a Preferably Preserved Building;
 - Allow exterior access to the property on which the Significant Building is located, as reasonably requested by the Commission; and

- Secure the Significant Building, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued.

An Applicant who has applied for a Demolition Permit for a Preferably Preserved Building shall:

- Participate in the investigation of preservation options for the Preferably Preserved Building; and
 - Reasonably cooperate with the Commission and any interested parties in seeking alternatives to the Demolition of the Preferably Preserved Building.
2. If the owner of a Significant Building fails to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of the Building through any cause, shall be considered a voluntary Demolition in violation of this Section if such destruction could have been prevented by the required security measures.

G. Emergency Demolition.

1. Nothing in this Section shall restrict the Inspector of Buildings from ordering the immediate Demolition, in accordance with applicable law, of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a Significant Building is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its designee shall be allowed to accompany the Inspector of Buildings during the inspection of the Building.
2. As soon as practicable after the Inspector of Buildings has issued an emergency Demolition order for a Significant Building, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

H. Administration, Enforcement and Remedies.

1. The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Section, but may not increase the length of the delay period stated herein.
2. In computing any period of time prescribed in this Section, the day of the act, event, or default after which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next business day.
3. The Commission and the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as either of them may deem necessary and appropriate to obtain compliance with the requirements of this Section or to prevent a threatened violation thereof.
4. Any owner of a Significant Building that is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Section shall be subject to a penalty of \$300.00. Each day that such violation exists until a faithful restoration of the demolished Significant Building or other remediation or remediation plan has been approved by the Commission shall constitute a separate offense. The Inspector of Buildings may enforce this Section by non-criminal disposition as provided in MGL c.40, §21D.

5. If a Significant Building is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Section, no building permit authorizing construction on the lot on which the Building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two years from the date of the Demolition, unless agreed to by the Commission.

I. Severability.

If any provision of this Section shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Subsection A.

or in any way act thereon.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 4:

GENERAL BYLAWS - RESIDENTIAL SNOW REMOVAL

To see if the Town will vote to amend Section 60-800 of the General Bylaws of the Town of Belmont by inserting a new Subsection I as follows:

"1. 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 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.

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

(a) **OBLIGATED PERSON** - the person responsible for compliance with this Subsection pursuant to Paragraph (4).

(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.

(3) Obligations. Snow, slush, and ice shall be removed from the Sidewalk, in accordance with the deadlines set forth in Paragraph (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 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, 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 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 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 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 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 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 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. 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 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 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 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 Subsection J, other than those establishing penalties, shall be applicable.

(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.

(10) Sunset. This Subsection shall be null and void and have no force and effect on and after April 30, 2016.

And by re-designating and amending Subsection I as Subsection J to read as follows:

J. In addition to the provisions for enforcement set forth elsewhere in this Article, the provisions of Subsections A, B, D(2), E(2), G, H and I of this section and any regulations promulgated thereunder may also be enforced by non-criminal disposition as provided in MGL c. 40, § 21D ("Section 21D"). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense. .

- (1) "Enforcing person" as used in this subsection 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.
- (2) An enforcing person taking cognizance of a violation of Subsection A, B, D(2), E(2), G, H or I or any rule or regulation adopted hereunder 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. The provisions of §21D are incorporated herein by this reference.

or in any way act thereon.

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

Majority vote required for passage.

Yes____ No____

ARTICLE 5: GENERAL BYLAWS – BY CITIZEN PETITION YARD SALES
Submitted by Stephen Ganak

To see if the Town will vote to amend the General Bylaws by adding Article 9 Section 60-900 "Yard Sales" to read as follows:

§60-900 Yard Sales

A. Intent. It is the intent of this Section to allow residents to conduct so-called yard sales of their items of personal property from the lot where their residence is located, if the sale events are conducted in a manner that does not create violations of this Section or the General By-Laws or cause neighborhood nuisances. The willingness of neighboring residents to tolerate cheerfully such sale events can only be expected if they take place infrequently and are conducted respectful of the neighborhood. It is also the intent of this Section to limit the conduct of business activities from residential locations except where permitted by law.

B. Yard Sales Permitted. So-called yard sales, garage sales, tag sales, moving sales, flea markets, estate sales, rummage sales, and the like may be conducted at residential premises only in accordance with this Section.

C. Definitions.

YARD SALE– An informal, infrequent sale event held typically outdoors at a residential premises, which event is advertised to or apparent to the general public, and is conducted by the residents of the premises who own and are selling items of personal property, including without limitation sale events variously known as garage sales, driveway sales, lawn sales, attic sales, thrift sales, junk sales, yard sales, tag sales, moving sales, Estate Sales, flea markets, and rummage sales.

TAGGED ITEMS – Items of personal property that are owned by the persons conducting the Yard Sale and were used at the premises where the Yard Sale occurs, whether or not the items are in their original packaging.

ESTATE SALE – An estate sale or estate liquidation sale to dispose of a substantial portion of the items of personal property owned by a person who is recently deceased.

MANAGED ESTATE SALE – An Estate Sale that is conducted or managed by person or persons engaged in the business of conducting or managing Estate Sales.

D. Application, Regulations.

1. A resident of the Town of Belmont, who is interested in obtaining a license to hold a Yard Sale shall make application to the Belmont Town Clerk at least three days before the event.
2. It is intended that a paper-less application can be submitted on-line using web-based applications that are in a format that the Town Clerk establishes from time to time.
3. If the application is approved, the Town Clerk will send the license to the Applicant in electronic form by use of email, and the Applicant must then print the license and have it available at the Yard Sale. If the application is denied for excessive Yard Sales at the residential lot, the Town Clerk will email as well as mail the denial and reason therefor to the Applicant.
4. The Town Clerk may promulgate regulations from time to time to administer this Section, including procedures usable by persons without access to the Internet or printers.

E. Limitations on Items Offered for Sale.

1. Only items that meet the definition of Tagged Items may be offered for sale at a Yard Sale; however, this Section does not require that the price be affixed to each such item.
2. Items that are offered for sale at a Yard Sale cannot include merchandise obtained for the purpose of reselling it at the Yard Sale.
3. No person who is customarily engaged in the business of conducting Yard Sales shall participate directly or indirectly in any way in a Yard Sale of someone else.
4. The Belmont Police shall halt any Yard Sale that violates this subsection E.

F. Duration, Hours of Operation.

1. A Yard Sale can be held on no more than two consecutive days, but shall be conducted only between 8 a.m. and 4:30 p.m. each day.

2. No sales of items shall be made at or from the premises before 8 a.m. or after 5:00 p.m.
3. After the Yard Sale is over for the day, all unsold Tagged Items or other objects associated with the Yard Sale will be stored out of public view before 6 p.m.
4. Violations of this subsection F shall be punishable by a fine of \$50.

G. Number of Yard Sales. Only two separate Yard Sales may be conducted each calendar year from a residential lot. A duly licensed Yard Sale held on two consecutive days shall be deemed to constitute one Yard Sale.

H. Traffic and Parking. Care must be taken to avoid creating traffic congestion and area parking conditions that would cause serious neighborhood problems. All applicable traffic laws must be observed.

I. Limitation on Yard Sale Signs. Persons conducting Yard Sales shall limit the signs advertising the Yard Sale to a reasonable size and number, and such signs shall not be posted or erected earlier than ten days before the Yard Sale. The persons conducting the Yard Sale shall promptly remove all signs located in a street right-of-way after the Yard Sale concludes. Each such sign remaining 24 hours after the Yard Sale concludes shall be subject to a \$25 fine.

J. Fees. No fee is required for a license for a Yard Sale.

K. Exclusions. This Section does not cover the following:

1. So-called rummage sales conducted by religious and charitable organizations no more frequently than two per year each with durations of no more than 3 consecutive days.
2. Managed Estate Sales.
3. Activities conducted within residential buildings in connection with infrequent fulfilling of private on-line and newspaper sales, such as Craig's List, want-ads, and eBay sales, but only if there are no signs or advertising on or about the premises and the general public is not invited or expected to visit the premises to make the purchase or accept delivery of the merchandise.

L. Additional Fines. Yard Sales held without a license can be halted, and the person holding the Yard Sale will be fined \$100. If it is substantiated that a person or persons are attempting to conduct a third Yard Sale at a given address in a calendar year, the police will order that the Yard Sale be shut down immediately. Persons who fail to do so or attempt to re-establish a Yard Sale at a later time during a calendar year are subject to a fine of \$300 for each violation.

M. Enforcement. The Belmont Police are authorized to enforce this Section by issuing non-criminal citations.

N. Relationship to Zoning. This Section does not supersede or modify the Zoning By-Law of the Town of Belmont.

or in any way act thereon.

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

Majority vote required for passage.

Yes ____ **No** ____



Given under our hands this 7th day of October, 2013.

BOARD OF SELECTMEN, TOWN OF BELMONT

Mark A. Paolillo, Chair

Andrés T. Rojas, Vice Chair

Ralph T. Jones

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



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 (3rd) 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



DRAFT MOTIONS
2013 SPECIAL TOWN MEETING
As of October 11, 2013
November 4, 2013

PRELIMINARY MOTION

ORDER OF THE ARTICLES

MOVED: That the Town Meeting hear the motions in the following order:
1, 2, 3, 4, 5 (*Majority*)

ARTICLE 1:

REPORTS

MOVED: That Article 1 be taken off the table. (*Majority*)
[REPORTS, IF ANY]

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

ARTICLE 2:

APPROPRIATION OF CAPITAL EXPENDITURES

MOVED: That **\$960,000** be appropriated for the purchase of materials and perform repairs (including major improvements) to Harris Field complex and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow and issue bonds and to take any other action necessary and incidental thereto.

(*Two-Thirds*)

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

ARTICLE 3:

GENERAL BYLAWS - DEMOLITION DELAY

MOVED: That under Article 3, the reading of the proposed amendment to the Town's General By-Laws pertaining to "Demolition Delay" be dispensed with, the same being set forth in full under Article 3 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority*)

MOVED: That the Town amend the General By-Laws of the Town of Belmont by adding a new Section 60-320 entitled "Demolition Delay," as set forth in full under Article 3 in the Warrant for this meeting.

And further that the Bylaw Review Committee may approve nonsubstantive 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. (*Majority*)

Reporting: The Bylaw Review Committee will report on this article.

ARTICLE 4:

GENERAL BYLAWS - RESIDENTIAL SNOW REMOVAL

MOVED: That under Article 4, 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 4 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority)*

MOVED: That the Town amend Section 60-800 of the General By-Laws of the Town of Belmont by inserting a new Subsection I entitled "Residential Snow Removal," as set forth in full under Article 4 in the Warrant for this meeting.

And further that the Bylaw Review Committee may approve nonsubstantive 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. *(Majority)*

Reporting: The Bylaw Review Committee will report on this article.

ARTICLE 5:

GENERAL BYLAWS – YARD SALES

MOVED: That under Article 5, the reading of the proposed amendment to the Town's General Bylaws pertaining to "Yard Sales" 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. *(Majority)*

MOVED: That the Town amend the General By-Laws of the Town of Belmont by adding Article 9 Section 60-900 entitled "Yard Sales," as set forth in full under Article 5 in the Warrant for this meeting.

And further that the Bylaw Review Committee may approve nonsubstantive 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. *(Majority)*

Reporting: The Bylaw Review Committee will report on this article.

FINAL MOTION TO DISSOLVE THE SPECIAL TOWN MEETING:

MOVED: That the 2013 Special Town Meeting be dissolved. *(Majority)*

Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw

The following buildings are identified as historically significant through inventory and National Register forms filed at the Massachusetts Historical Commission (MHC). The list is based on information provided by MHC to the Belmont Historic District Commission (HDC). It does not include the properties in the Pleasant Street, Common Street, Richardson Farm, and McLean Hospital Historic Districts; state and municipally-owned buildings; the historic Belmont Center and Waverley Square fire stations; and properties in the MHC inventory that are known to be no longer extant or which contain insufficient documentation.

RECEIVED
 TOWN CLERK
 BELMONT, MA.
 OCT 11 1 21 PM '13

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
577	Belmont St	Barnard, Samuel Jr. House	Greek Revival	1836	6
583	Belmont St	Barnard, Edward Studio	Queen Anne / Craftsman	1898	6
170	Brighton St	Frost, Jonathan House	Greek Revival	1851	6
291	Brighton St	Frost, Thaddeus House	Federal	1805	6
37	Burnham St	Scranton, Henry A. House	Gothic Revival / Victorian Eclectic	1886	6
4	Cambridge St		Second Empire	1880	6
24	Cedar Rd	Wigglesworth, Victor (maker)	Craftsman	1913	6
26	Cedar Rd	Underwood, H. Thaxter (maker)	Craftsman	1911	6
35	Cedar Rd		Shingle Style / Queen Anne	1888	6
46	Centre Ave	Robbins, Chandler House	Italianate	1880	6
44-54	Church St	Waverley Hall	Greek Revival Victorian Eclectic	1853 1885	12
30	Clark St	Prindell, Dewight J. House, Graves, Kelley T. (maker)	Colonial Revival	1910	6
65	Clark St	Frenning, John J. House; Underwood, H. Thaxter (maker)	English Revival	1922	6
80	Clark St	McCabe, George House	Craftsman / Shingle Style	1898	6
81	Clark St	Widow Brown Cottage; Holyoke, C. O. / Hatch, Lemuel / Longfellow, Alexander W. Jr. (makers)	Gothic Revival	1856	6
86	Clark St	Hatch, Lemuel House	Italianate / Greek Revival	1863	6
22	Clifton St	Locke, Isaac Jr. House	Queen Anne	1879	6
184	Clifton St	Demone, Harry (maker)	English Revival	1928	6
200	Clifton St		English Revival	1921	6
210	Clifton St		Colonial Revival	1929	6
35	Clover St	Weeks, H. Hazen - Frenning, John E. House; Richardson, William Cummings (maker)	Shingle Style	1895	6
1	Common St	Belmont Railroad Station; Ludowici- Celadon Company	Craftsman	1908	12
50	Common St	Underwood, Lyman House	Italianate	1853	6
65-69 (15 Clark St)	Common St	All Saints Episcopal Church & Rectory; Johnson, Francis Durfee / Wood, Rev. Hermon Gaylor; Underwood, H. Thaxter (makers)	Shingle Style; Colonial Revival	1897 1922	12
70	Common St	Underwood, Lyman Barn	Italianate	1853	6

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
76	Common St	Mead, Samuel O. House	Gothic Revival / Victorian Eclectic	1853	6
100	Common St	Underwood, Henry O. House; Hartwell & Richardson (maker)	Shingle Style	1885	6
116-130	Common St	Saint Joseph's Roman Catholic Church; Sheehan, T. Edward / Whelan & Westman (maker)	Gothic Revival	1912	12
200	Common St	Jackson, Allyn (maker)	English Revival / Stick Style	1912	6
209	Common St	Giles, George A. House; Little & Russell (maker)	Colonial Revival	1922	6
325	Common St	Grant, Col. Christopher House	Georgian	1760	6
386	Common St	Whitney, Edward C. Mansion	Gothic Revival	1856	6
368-370	Common St	Poole, Fanny House; Beal, John Williams (maker)	Craftsman	1917	6
418	Common St	Stevens, R. C. House; Stevens, R. C. / Smith, Giles Milton (maker)	Colonial Revival	1924	6
421	Common St	Belmont Methodist Church	Neo Gothic Revival	1930	12
432-444	Common St	Nelson, Arthur T. (maker)	Colonial Revival	1931	12
2	Concord Ave	Beth El Temple Synagogue; Lilly Construction Company / Abrahams, David J. & Assoc. (maker)		1954	12
296	Concord Ave	Washington Street School, Old	Greek Revival / Italianate	1859	6
346	Concord Ave	Mead, Samuel O. House and barn	Greek Revival	1836	6
396	Concord Ave	Underwood, Lyman House	Stick Style / Victorian Eclectic	1898	6
404	Concord Ave	First Unitarian Church; Hartwell & Richardson / Low, Will H. / Tiffany (makers)	English Revival / Richardsonian Romanesque	1890	12
531	Concord Ave	Atkins - Claflin House; Sturgis, R. Clipston (maker)	Colonial Revival	1926	6
560	Concord Ave	Stowe, Griswold House	Stick Style / English Revival	1879	6
567	Concord Ave	Mugar House and Stable; Shepley, Henry Richardson (maker)	Colonial Revival	1918	6
660	Concord Ave	Homer, W.F. House	Federal	1810	6
741	Concord Ave	Chenery, W. W. Farmhouse	Greek Revival	1870	6
981	Concord Ave	Shattuck, Josiah House	Georgian	1744	6
34	Cushing Ave	Garmon, T. C. House; Hathaway, Harold W. (maker)	Craftsman	1908	6
72	Cushing Ave	Adams, Cecilia House; Willard, Charles F. (maker)	Craftsman	1912	6
100	Dalton Rd	Skahan, Edward F. House	Queen Anne	1880	6
4	Essex Road	Morton, Hawley W. (maker)	English Revival	1929	6
10	Essex Road	Morton, Hawley W. (maker)	English Revival	1929	6
19	Fairmont St	Chenery, Winthrop L. House	Queen Anne	1886	6

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
85	Fairview Ave	Former Harvard Lawn Fire Station	Colonial Revival	1928	6
25	Falmouth St		Craftsman / Four-square	1911	6
8	Fieldmont Rd		English Revival	1928	6
31	Fieldmont Rd		Colonial Revival	1932	6
1	Fletcher Rd	Fletcher, J.V. and S.K. Sargent Farm House	Second Empire, Dutch Colonial	1870	6
89	Fletcher Rd	Alexander, F. C. (maker)	English Revival	1935	6
124	Goden St	Pomeroy, William A. Farmhouse	Greek Revival	1850	6
74	Grove St	Skahan House	Colonial Revival / Shingle Style	1880	6
106	Grove St	Choate, Francis A. House	Greek Revival	1865	6
196	Grove St	Richardson, R. L. House	Greek Revival / Italianate	1860	6
16-18	Hawthorne St		Italianate	1876	6
19	Hawthorne St		Not researched / Second Empire	1900	6
29	Hawthorne St		Not researched	1880	6
30	Hawthorne St		Italianate	1878	6
33	Hawthorne St		Second Empire / Italianate	1876	6
41	Hay Rd	Chase, Nelson House and Studio; Chase, Nelson (maker)	Shingle Style / Colonial Revival	1925	6
36	Hillcrest Rd	Underwood, H. Thaxter (maker)	Colonial Revival	1913	6
63	Hurd Rd	Chenery Farmhouse	Second Empire	1886	6
15	Indian Hill Rd	Norton, William I. House; Morton, Hawley W. (maker)	Colonial Revival / English Revival	1929	6
15	Jackson Rd	Peretti, Florence House	Colonial Revival	1926	6
10	Juniper Rd	Churchill, Ruth Hornblower Atkins Greenough House; Chapman and Frazer (makers)	Colonial Revival	1913	12
15	Kilburn Rd	Robbinson, Addie K. House	Colonial Revival	1909	6
92	Kilburn Rd	Gerry, Florence L. House; Ramsay, Harry Morton (maker)	Craftsman	1910	6
308	Lake St	Frost, Sylvester C. House	Queen Anne / Colonial Revival	1889	6
340	Lake St	Frost, M. E. House	Greek Revival	1843	6
354	Lake St	Frost, Varnum House	Greek Revival	1840	6
46	Lexington St	Demond, George House; Demond, George / Demond, William (makers)	Queen Anne	1888	6
51	Lexington St	Unitarian Church of Waverley	Shingle Style	1898	12
70	Lexington St	Beetle, Walter F. House	Shingle Style / Queen Anne	1888	6
129	Lexington St	First Baptist Church; Dirlam, Arland Augustus (maker)	English Revival	1904	12
132-160	Lexington St	Saint Luke's Church & School	Gothic Revival	1923- 1951	12
151	Lexington St	Munroe, William A. House	Italianate	1872	6

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
190	Lexington St	Bartlett, Nathaniel House	Greek Revival / Italianate	1860	6
21	Marlboro St	Saint Andrews Episcopal Church	Spanish Eclectic	1912	12
154	Mill St	Eaton, Capt. House	Georgian	1750	6
20	Moraine St	"The Thayer"	Colonial Revival	1908	6
18	Oak Ave	Wadsworth, W. A. (maker)	Four-square / Craftsman	1915	6
23	Oak Ave	Cushing Farmhouse; Benjamin, Asher (maker)	Greek Revival	1837	6
34	Oak Ave	McGahey, Henry House; McGahey, Henry (maker)	Colonial Revival	1922	6
60	Oak Ave		Craftsman	1904	6
15	Oakley Rd	MacLeod, Alexander J. (maker)	Craftsman	1925	6
38	Oakley Rd	McArdle, James W. House; McArdle, James W. (maker)	Colonial Revival	1912	6
48	Oakley Rd	McArdle, James W. (maker)	Georgian Revival	1908	6
163-165	Oakley Rd	Chenery House, Old	Greek Revival	1830	6
73-75	Palfrey Rd	Baker, Lyman S. (maker)	Colonial Revival	1922	6
186	Payson Rd	Castle, Clara S. B. House	Craftsman / Colonial Revival	1907	6
231	Payson Rd	Payson Park Congregational Church	Neo Gothic Revival	1915	12
3 (15)	Pequossette Rd	Benton, Jay Rogers House; Blackall & Elwell (maker)	Colonial Revival / Craftsman	1914	6
4	Pequossette Rd	Hill, Phillip C. House	Spanish Eclectic	1924	6
388	Pleasant St	Hill, Abraham House	First Period	1730	6
936- 1000	Pleasant St	Pleasant St Garage	Moderne	1940	12
206	Prospect St	Prentiss, George A. IV House	Queen Anne	1880	6
216	Prospect St	Prentiss, George III House	Greek Revival	1830	6
233	Prospect St	George Prentiss II House	Federal	1809	6
257	Prospect St	Prentice - Marsh Cider Mill Site; Aub, Elizabeth Cope (maker)	Colonial Revival	1929	6
6	Raleigh Rd	Norby, C. N. House; Gowing, Frederick H. (maker)	English Revival / Craftsman	1919	6
24	Richardson St	Richardson, Henry House; Richardson, Henry (maker)	Greek Revival	1853	6
32	Rockmont Rd	McDonald, Hugh (maker)	Spanish Eclectic	1928	6
20	School St	Underwood Greenhouse; Lord & Burnham (maker)	Victorian Eclectic	1894 1904	6
32	School St	Morton, Thomas C. House	Greek Revival	1840	6
468-470	School St	Richardson, Henry House	Greek Revival / Italianate	1853	6
223-225	Slade St	Bates and Wigglesworth (maker)	Colonial Revival	1923	6
256	Slade St		Colonial Revival	1922	6
90	Somerset St	Howell's, William Dean House (Red Top); McKim, Mead & Bigelow (maker)	Queen Anne / Colonial	1877	6

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
96	Somerset St	Holiday Farm Worker's Housing	Italianate	1846	6
97	Somerset St	Holiday Farm Milkhouse	Italianate	1864	6
127	Somerset St	Chase, Nelson House; Chase, Nelson (maker)	English Revival	1939	6
259	Somerset St		Colonial Revival	1914	6
11	Springfield St		Colonial Revival	1900	6
39	Stone Rd		English Revival / Colonial Revival	1914	6
60	Stone Rd		Greek Revival	1860	6
61	Stone Rd		English Revival	1915	6
17	Sycamore St	Kilpatrick, Charles W. House	Colonial Revival / Craftsman	1911	6
36	Sycamore St	Butler, Rev. Daniel House	Gothic Revival / Victorian Eclectic	1853	6
72-86	Trapelo Rd	Winters Block, The; Robinson, George Ernest (maker)	English Revival	1927	12
232	Trapelo Rd	McCarthy, John V. House	Craftsman	1920	6
464-470	Trapelo Rd	Emerson, William Ralph (maker)	Classical Revival	1927	12
472-488	Trapelo Rd	Harcross, Fred A. (maker)	Colonial Revival	1914	12
51	Washington St	Barron Homestead	Colonial	1700	6
52	Washington St	Chenery, John House	Colonial / Italianate	1654	6
80	Washington St	Long, George House	Italianate	1830	6
160-162	Washington St	Stone, Jonathan Mansion	Federal	1800	6
215	Washington St	Shaw, Edward H. House	Craftsman	1912	6
232	Washington St	King, Charles House	Gothic Revival / Stick Style	1855	6
275	Washington St	Shaw Homestead	Greek Revival	1875	6
153	Watson Rd	Bright, Frederick House	Greek Revival / Italianate	1874	6
22	Waverley St		Second Empire	1878	6
40	Waverley St		Second Empire	1878	6
61	Waverley St		Second Empire	1875	6
64	Waverley St		Italianate	1875	6
112	Waverley St.	Harris, Henry S. House	Cross-gabled Farmhouse	1885	6
122	Waverley St.	House and barn	Queen Anne	1890	6
130	Waverley St	Anderson, Larz (maker)	Craftsman	1913	6
323	Waverley St	Goodridge, William H. House	Second Empire / Victorian Eclectic	1876	6
331	Waverley St	Robbins, Frank House	Victorian Eclectic / Stick Style	1876	6
64-66	Winslow Rd	Leger (maker)	Craftsman	1925	6

Belmont's Demolition Delay Bylaw – Frequently Asked Questions

1. What is a Demolition Delay Bylaw?

A Demolition Delay Bylaw affords public review of demolition permits for historically significant buildings, and can invoke a delay period for such buildings. During the delay period, the building owner and the Historic District Commission (HDC) can explore opportunities to preserve, rehabilitate, or adaptively reuse the threatened building. While the Bylaw does not prevent demolition indefinitely, it provides the opportunity to temporarily postpone the demolition of a Preferably Preserved building

2. What other communities have a Demolition Delay Bylaw?

All of our neighboring communities have an established Demolition Delay Bylaw. This includes Cambridge, Arlington, Watertown, Lexington, and Waltham, as well as their surrounding communities of Winchester, Lincoln, Concord, Boston, Brookline, Woburn, Weston, and Newton.

3. Why is this Bylaw being proposed now?

In the past several years, several significant historic buildings have been demolished to the dismay of many residents in Town. As the real estate market continues to improve and no more vacant land exists, the threat to Belmont's historic buildings is ever increasing. The proposed Bylaw tries to address these concerns by providing time to research alternatives to demolition before any more historic buildings are lost.

4. Why does this Bylaw expire on June 30, 2016?

In the spring of 2013 Belmont Town Meeting approved the use of Community Preservation Act (CPA) funds to update and expand the survey of historic properties in Belmont completed in the early 1980s. As this survey will potentially identify buildings to be added to "Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw", both the Planning Board and HDC agree that a revised bylaw based upon this new information will be presented to Town Meeting for adoption following the completion of the survey. No new buildings will be added to the List until a revised bylaw is approved by Town Meeting. A member of the Planning Board will be designated to work with the HDC on the survey to help increase public understanding of Belmont's historic properties and why it may be necessary to add or subtract buildings to the List.

5. What buildings are affected by this Bylaw?

The Demolition Delay Bylaw applies to buildings that are on a List entitled "Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw". The HDC prepared the List from a list of buildings on the National Register of Historic Places and the Massachusetts Historical Commission (MHC) Inventory of Historic Assets of the Commonwealth. Only buildings that have been evaluated through a National Register nomination or an individual MHC inventory form are included on the List. Historic buildings already protected through Local Historic District designation, buildings owned by the state and municipal buildings are not on the List.

6. Can I appeal the inclusion of my building on the List of "Belmont's Significant Buildings Subject to Demolition Delay Bylaw"?

The owner of any building identified on the List has the right to appeal to the Board of Selectmen within 60 days from the effective date of the Bylaw to have the building removed from the List. The basis for appeal will be limited to evidence that the building does not qualify to be significant based upon the following considerations:

- Whether the building is associated with events that have made a significant contribution to our history;
- Whether the building is associated with the lives of persons historically significant in our past;

Belmont's Demolition Delay Bylaw – Frequently Asked Questions

- Whether the building embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possess high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction;
- Whether the building has recognized national, state, or local level historical significance;
- The historic context of the building; and
- The integrity of the building.

7. What about municipal buildings or development projects that are currently underway?

After consultation with the Board of Selectman, Permanent Building Committee, and the Planning Board, the HDC removed municipal buildings from the List. The HDC also removed the SS Pierce Building in Cushing Square since it will be removed to make way for Cushing Village. The HDC will continue to work pro-actively with the Planning Board and public officials regarding the future of Belmont's municipal buildings, some of which are historically significant and would therefore meet the criteria for "Preferably Preserved."

8. What is the Public Review Process for buildings subject to the Demo Delay Bylaw?

- The Inspector of Buildings must notify the HDC within 7 days once a demolition permit is filed for a building identified on the List.
- The HDC will hold a public hearing within 35 days after receiving notification from the Inspector of Buildings in order to gain public input and to determine if the building is Preferably Preserved.
- If the building is determined to be not Preferably Preserved, the demolition permit can be issued.
- If the building is determined Preferably Preserved, demolition of a residential building is delay 6 months while all others (e.g. religious, commercial, institutional buildings) are delayed for 12 months. Months are measured from the date on which the request for a demolition permit was filed with the Inspector of Buildings and are calendar months, not "business day" months.

9. Why does this Bylaw include delays of both six and twelve months?

A twelve month delay provides sufficient time for the exploration and evaluation of alternatives that could potentially save the historic structure, particularly in Belmont where lot sizes tend to be small. However, this proposed Bylaw responds directly to the concerns of Belmont homeowners, so the delay period for residential buildings has been reduced significantly. Regardless of the required delay period, the HDC will work with all owners to meet the intent of the Bylaw in the shortest amount of time possible.

10. Will this new Bylaw place an undue burden on Town staff?

No. The HDC already reviews all demolition permit applications. The primary increase in workload will be the responsibility of the HDC.

Article 3: Demolition Delay
Amendment Offered by the Bylaw Review Committee

Moved:

That the word “modified” be substituted for the word “adopted” in the definition of LIST, C (h) so that it reads:

(h) LIST – A list of Buildings, entitled *Belmont’s Significant Historic Buildings Subject to Demolition Delay Bylaw*, prepared by the Commission and on file with the Town Clerk, modified pursuant to Subsection D.

Substitute Motion For Article 5, Yard Sale General Bylaw, Text After Amendment by Bylaw Review Committee

Moved: To amend Article 5 by substituting for the text of Article 5 as printed in the Warrant, the text as set forth in the document labeled "Substitute Motion for Article 5, Yard Sale General Bylaw, Text After Amendment by Bylaw Review Committee" that was distributed to Town Meeting Members

§60.900 Yard Sales

A. Intent. It is intent of this Section to allow residents to conduct Yard Sales from the premises where their residence is located, if conducted in accordance with this Section and all other applicable laws and does not cause a public nuisance. The willingness of neighboring residents to tolerate such sale events cheerfully can be expected only if they take place infrequently and are conducted in a manner that is respectful of the neighborhood.

B. Yard Sales Permitted. Yard Sales may be conducted only in accordance with this Section.

C. Definitions.

ESTATE SALE – A sale conducted by a duly authorized representative of a decedent's estate for the purpose of disposing of personal property owned by the estate.

LICENSEE — The resident who is issued a license to hold a Yard Sale pursuant to this Section.

MANAGED ESTATE SALE – An Estate Sale that is conducted or managed by a person engaged in the business of conducting or managing Estate Sales.

YARD SALE– An event involving the sale or display for sale of personal property at residential premises that is advertised to or otherwise made open to the general public for that purpose.

D. Application.

1. No person may hold a Yard Sale in the Town of Belmont except under the authorization of a license issued by the Town Clerk at least three business days prior thereto.

2. No license authorizing a Yard Sale may be issued except to a resident of the premises at which the Yard Sale will be conducted.

3. If a license application is approved, the Town Clerk shall provide the license to the applicant and a copy to the Police Department. If the application is denied, the Town Clerk shall notify the applicant and the Police Department, indicating the reasons for the denial.

4. No fee shall be required for the issuance of a Yard Sale license.

E. Yard Sale Limitations.

1. No more than two separate Yard Sales may be conducted in any calendar year at any single residence.

2. A Yard Sale may be held on no more than two consecutive days, and shall be conducted only between 8 a.m. and 5:00 p.m. each day.

3. A Licensee shall produce the Yard Sale license for inspection to any person making a request therefor.

4. Only the Licensee and the residents of the premises where the Yard Sale is held may conduct the Yard Sale.

5. Care shall be taken to avoid creating traffic congestion or parking conditions that would substantially impair access to neighboring properties.

6. The Belmont Police may order the immediate cessation of any Yard Sale that is being conducted without a license, is otherwise in violation of this Section, or is creating a public nuisance or threat to public safety.

7. After a Yard Sale is over for the day, all unsold items and other objects associated with the Yard Sale shall be stored out of public view no later than the end of the day.

8. Within 24 hours after a Yard Sale ends, the Licensee shall be obligated to remove all Yard Sale signs located off the premises where the Yard Sale was conducted.

F. Administration, Enforcement.

1. The Town Clerk is authorized to administer this Section and issue licenses for Yard Sales, and may promulgate regulations from time to time in connection with the administration of this Section.

2. In addition to the provisions for enforcement set forth elsewhere in this Section, the provisions of this Section and any regulations promulgated thereunder may also be enforced by non-criminal disposition as provided in MGL c. 40, §21D ("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 \$50 for each offense. Each day or part thereof during which the violation persists shall constitute a separate offense. As used in this Section, "enforcing person" shall mean any police officer of the Town of Belmont, the Director of Public Works, and any other Town employee designated by the Board of Selectmen as an enforcing person.

G. Exclusions. This Section is not applicable to any of the following:

1. Managed Estate Sales.

2. Activities conducted within residential buildings in connection with private sales of individual items of personal property made through newspaper advertisements, want-ads, private on-line or web-based auction sales, or the like, that does not involve the viewing, inspection, or purchase of the items by the general public at the residential premises, and does not have any signs or advertising on or about the premises.

You are invited to attend

Warrant Briefing

Monday, October 28th, 2013

at 8pm

Beech Street Center

266 Beech Street

**Opportunity to learn about Warrant
articles and ask questions
prior to November 4th
Special Town Meeting**

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

**Michael Libenson
Chairman of the Warrant Committee
will preside**

Cosponsored by:

the Warrant Committee and the



**Belmont League of Women Voters
Education Fund**