



April 11, 2013

Dear Town Meeting Members:

We are pleased to submit this year's Town Meeting Warrant.

The 2013 Annual Town Meeting sessions have been scheduled for Monday, April 29, and May 1, 6 and 8 at the Belmont High School Auditorium as well as June 3 and 5 at the Chenery Middle School Auditorium.

As in recent years, the sessions dealing with the FY14 budget articles have been scheduled in June. This decision affects Warrant Articles 3-12 and 20,

It is expected that the Selectmen will call a Special Town Meeting to be held Monday, May 29, 2013 at 7:00pm at Belmont High School to deal with additional items not yet finalized by the time this Annual Town Meeting Warrant was signed.

Please note that a List of Warrant Articles is provided with your warrant. This list groups the warrant articles into categories so you can get a perspective of all of the actions on the warrant; it is not, however, the order in which the articles will be discussed. The List also indicates the segment in which the article will be voted, A) for the April/May segment and B) the June segment. The order of articles is shown in the Preliminary Motion, followed by the draft motions for the first segment. The motions for the second segment will be provided to you in May.

As in the past, the Town Meeting Warrant includes a descriptive paragraph after most articles explaining their purpose or intent and the packet also includes a message from the Moderator. The Warrant and additional information will all be found in the Town Meeting section of the Town's web page.

You are also encouraged to attend the Warrant Discussion Evening, a program co-sponsored by the League of Women Voters and the Warrant Committee. The event is designed to educate Town Meeting Members on aspects of articles in the Warrant and is scheduled for **Thursday, April 25, at 7:00 PM** at the Beech Street Center.

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

Sincerely,

Mark Paolillo, Chairman
Andrés Rojas, Vice Chairman
Ralph Jones

BOARD OF SELECTMEN



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**. Provision is also made for 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

Town of Belmont

2013 Annual Town Meeting
LIST OF WARRANT ARTICLES

Article#	Session	Title	Page
ARTICLE 1	A	Reports	1
ARTICLE 2	A	Authorization to Represent Town's Legal Interests	1
BUDGETARY			
ARTICLE 3	B	Salaries of Elected Officials	1
ARTICLE 4	B	FY14 Budget Appropriation	2
ARTICLE 5	B	Authorization to Transfer Balances for the FY14 Budget	2
ARTICLE 6	B	Authorization for Revolving Funds	2
ARTICLE 7	B	Authorization for Up-Front Funds for Highway Improvements	3
ARTICLE 8	B	Enterprise Funds for Water and Sewer and Stormwater Services	4
ARTICLE 9	B	Appropriation of Capital Expenditures	4
ARTICLE 10	B	Sewer Borrowing De-Authorization	4
ARTICLE 11	B	Other Post-Employment Benefits (OPEB) Stabilization Fund	4
ARTICLE 12	B	Appropriation to Landfill Stabilization Fund	5
SPECIAL ACTS OF THE LEGISLATURE			
ARTICLE 13	A	Special Act: Town Administrator	5
ARTICLE 14	A	Special Act: Restaurant Liquor Licenses (Wine and Malt)	6
ARTICLE 15	A	Special Act: Retail Liquor Licenses	7
AMEND EXISTING GENERAL BY-LAWS			
ARTICLE 16	A	Amend General By-Laws: Capital Budget Reports	7
ARTICLE 17	A	Amend General By-Laws: Richardson Farm Historic District	8
ARTICLE 18	A	Amend General By-Laws: Residential Snow Removal	8
ARTICLE 19	A	Amend General By-Laws: Police Chief	9
ARTICLE 20	B	Amend General By-Laws: Electronic Voting at Town Meeting	10
NEW GENERAL BY-LAWS			
ARTICLE 21	A	New General By-Law: Article 35 - Demolition Delay	10
ARTICLE 22	A	New General By-Law: Article 36 - Criminal History Checks	23
ARTICLE 23	A	New General By-Law: Article 34 - Stormwater Management	26
NEW ENTERPRISE FUND			
ARTICLE 24	A	New Enterprise Fund: Stormwater Management Enterprise Fund	33
STATE STATUTES			
ARTICLE 25	A	Senior Tax Abatement Program	33
COMMUNITY PRESERVATION FUNDS			
ARTICLE 26	A	FY14 Community Preservation Committee Budget & Projects	34
LAND AND BUILDINGS			
ARTICLE 27	A	Easement: Oakley Development	34
ARTICLE 28	A	Establish Underwood Pool and Playground Building Committee	35
ARTICLE 29	A	Appropriation for Underwood Pool and Playground (If Needed)	35
ZONING BY-LAWS			
ARTICLE 30	A	New Zoning By-Law: Interim Controls for Medical Marijuana Uses	35
ARTICLE 31	A	New Zoning By-Law: Religious & Municipal Building Preservation	37

Session A: 1st Session - 4/29, 5/1 (if needed: 5/6, 5/8) Belmont High School 7pm
Session B: 2nd Session - 6/3 (if needed: 6/5) Chenery Middle School 7pm
Special Town Meeting: Warrant for Special Town Meeting anticipated for Wednesday, May 29, 2013 at 7pm
 Belmont High School



TOWN OF BELMONT
WARRANT FOR 2013 ANNUAL TOWN MEETING
APRIL 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 **MONDAY, APRIL 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 accepts the reports of Town departments appearing in the Annual Town Report and allows the Board of Selectmen and other town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow town officials and committees to report when necessary.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

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

This article is traditional and authorizes the Board of Selectmen to represent the Town's legal interests. This authority is clearly identified in the Massachusetts General Laws and the General By-laws of the Town of Belmont.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 3:

SALARIES OF ELECTED OFFICIALS

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

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 (each)
Town Clerk	\$79,780
Town Treasurer	\$92,746
Chairman of the Board of Assessors	\$3,030
Assessor (2)	\$2,200 (each)

This article fulfills the state law requiring Town Meeting to set the compensation of a town's elected officers. This article also appropriates the funds necessary to meet these compensation levels. For Fiscal Year 2014, the recommended compensation levels are listed above. Please note that the Town Meeting establishes and appropriates the compensation of other municipal employees under Article 4.

The Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 4:

FISCAL YEAR 2014 BUDGET APPROPRIATION

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2013 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; to determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year 2014 budget, commencing on July 1, 2013. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting. The budget summary and supporting information is incorporated in the Warrant Committee Report and will be provided to Town Meeting Members in advance of their consideration of the budget. Due to uncertainty regarding the amount of state aid to Belmont, we will wait until the June phase of Town Meeting to pass the Town's budget and deal with other articles having a possible financial impact on the Town's general fund budget.

The Warrant Committee will report orally on this Article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 5:

AUTHORIZATION TO TRANSFER BALANCES

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

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2014 (the General Fund Budget) as contained in aforementioned article.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 6:

AUTHORIZATION FOR REVOLVING FUNDS

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

This article seeks authorization to establish new revolving funds, and to re-authorize existing revolving funds, for certain operations of the Town. A revolving fund allows the expenditure of user fees for program expenses without further Town Meeting appropriation. However, the Town Meeting must annually renew

the funds. The Board of Selectmen and Warrant Committee are considering the use of revolving funds for the following programs:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits
Teen/Youth Events	Recreation Commission	Event fees	Teen/youth center events	\$5,000
Senior Programs	Council on Aging	Course/Program fees	Program costs, trip expenses	\$60,000
Art Gallery	Belmont Cultural Council	Percentage of art sales	Gallery exhibit and event expenses	\$15,000
Restoration Maintenance of Rock Meadow	Conservation Commission	Rental fees: garden plots	Restoration, maintenance of conservation area	\$10,000
Copying/ Lost Books	Board of Library Trustees	Lost book fees; Printing/ copying fees	Replacement of lost books; Copier, printer, supplies & maintenance	\$13,000
Criminal History Checks	Police Department	Fees collected from criminal history checks	Program costs and expenses	\$3,000
Stormwater Consulting	Community Development	Consultant fees collected from permit applicants	Consultant fees	\$25,000
Stormwater Improvements	Community Development	Consultant Fees and contributions collected from permit applicants	Consulting, design, construction, and maintenance of public or shared stormwater facilities	\$100,000
Martin Luther King Day Breakfast	Human Rights Commission	Ticket Sales	Event expenses	\$4,000

The Warrant Committee will report orally on this Article.

Majority vote required for passage.

Yes _____ No _____

ARTICLE 7:

"UP FRONT" FUNDS FOR HIGHWAY IMPROVEMENTS

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

This article seeks an appropriation to provide "up front" money for state reimbursed highway aid. The state provides highway aid, referred to as Chapter 90, to all cities and towns on a reimbursement basis. This aid is authorized by the Legislature every two or three years through state transportation bond issues. Approximately \$533,176 was apportioned for Belmont in FY 2013. The estimated apportionment for FY 2014 is not available at this time, however it will be reported prior to the June sessions of Town Meeting. These funds, when supplemented with capital budget funds, shall be used to implement the Town's Pavement Management Program designed to extend the useful life of our roadway system. In addition, the Town has used Chapter 90 funds for design purposes in order to "leverage" substantial federal transportation funding for major road projects (i.e., Trapelo Road).

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 8:

WATER AND SEWER AND STORMWATER SERVICES

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

This is a standard article appearing on the Warrant to appropriate funds to support the operations of the Town's water and sewer functions. Each of these functions has an enterprise fund that receives revenues from user fees. These funds then are used to fund the utility's operations. These operations are entirely self-supporting from user fees and do not receive any funding from property taxes.

The Warrant Committee will report orally on this Article.

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

Yes ___ No ___

ARTICLE 9:

APPROPRIATION OF CAPITAL EXPENDITURES

To see if the Town will vote to appropriate sums of money to purchase Public Safety Equipment, Computer Equipment (including consulting work), Public Works Equipment and Furnishings and Equipment for Town Facilities, construct public ways, and for Building and Facility and Public Works Construction, Major Maintenance and Alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise and by whom expended, or in any way act thereon.

This is a standard article appearing on the Warrant to appropriate funds to support capital expenditures. While the article is general as to the categories of capital expenditures, the motion shall be explicit. The recommendations of the Capital Budget Committee for FY 2014 capital expenditures will be provided prior to the June session of 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 10:

SEWER BORROWING DE-AUTHORIZATION

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$1,842,270 that was appropriated under Article 17 of the April 28, 2008 Annual Town Meeting for the purpose of performing improvements to the sanitary sewer and storm drain; or in any way act thereon.

This article formally rescinds the authority to borrow funds that were not needed for the sanitary sewer and storm drain project. The total authorization was approved for \$11,608,000. The Town received a Stimulus Grant to fund the construction costs which lessened the amount that was borrowed.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 11:

OTHER POST EMPLOYMENT BENEFITS (OPEB) STABILIZATION FUND

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

This article seeks to appropriate a sum of \$254,294 from available free cash or other available funds for the purpose of funding future Town liabilities for Other Post Employment Benefits.

The Warrant Committee will report orally on this Article.

Two-thirds vote required for passage.

Yes ___ No ___

ARTICLE 12: APPROPRIATION TO LANDFILL STABILIZATION FUND

To see if the Town will vote to, pursuant to Chapter 40, Section 5B, of the General Laws, to appropriate a sum of money to the Landfill Stabilization Fund for the purpose of performing improvements to the former incinerator site; said sum be transferred from the Receipts Reserved from Appropriation Fund; or in any way act thereon.

The Stabilization Fund is a special fund, in which the balances are carried over from year to year and interest income remains in the Fund. This article seeks to appropriate settlement funds received by the Town into the Landfill Stabilization Fund. The settlement was approximately \$52,000 and the exact amount will be reported prior to the June session of Town Meeting. The funds will be utilized to fund future costs related to the demolition of the former incinerator building at the former incinerator site.

The Warrant Committee will report orally on this Article.

Two-thirds vote required for passage.

Yes ___ No ___

ARTICLE 13: SPECIAL ACT - TOWN ADMINISTRATOR

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation establishing the position of Town Administrator substantially in the form below, and further to authorize the Selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition.

**CHAPTER ___ AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR
IN THE TOWN OF BELMONT.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Board of Selectmen of the Town of Belmont shall appoint a Town Administrator, to serve at the pleasure of the board. Said administrator shall be a person especially fitted by education, training and experience to perform the duties of the office.

SECTION 2. Under the policy direction of the Board of Selectmen, the Town Administrator shall serve as the town's Chief Administrative Officer, shall act as the agent for the board and shall be responsible to the board for the proper operation of town affairs for which said administrator is given responsibility under this act. The administrator shall supervise, direct and be responsible for the efficient administration of all departments and employees under the jurisdiction of the board and all functions for which the administrator is given responsibility, authority or control by this act, by-law or by vote of said board.

SECTION 3. The Town Administrator shall appoint, based upon merit and fitness, all non-elected department heads of said town except (a) the chief and employees of the Police Department, (b) the chief and employees of the Fire Department, (c) employees of the Treasurer and Tax Collector, (d) employees of the Town Clerk, (e) the Superintendent and employees of the School Department, and (f) the Town Accountant. Appointments by the administrator of department heads under the jurisdiction of the Board of Selectmen shall be subject to confirmation by the board. Appointments of department heads and other personnel under the jurisdiction of any other elected board shall be made with the advice and consent of that board. Each department head,

appointed by the Town Administrator, shall appoint subordinates and employees in compliance with the personnel by-laws rules and regulations of said town. All other appointments made by the Town Administrator shall be made in consultation with the appropriate board, commission or committee and shall be in compliance with the personnel by-laws, rules and regulations of said town.

SECTION 4. The Town Administrator, acting jointly with the Superintendent of Schools, shall appoint the director of the Department of Public Facilities established by the town under Section 37M of Chapter 71 of the general laws, or any successor department thereto, said director to serve at the pleasure of the Town Administrator and Superintendent of Schools.

SECTION 5. Any person holding office or employment in the Town of Belmont upon the effective date of this act shall retain such office or employment and shall continue to perform his duties subject to the provisions of the personnel by-laws, rules and regulations of said town.

SECTION 6. All laws, by-laws, rules and regulations of or pertaining to the Town of Belmont which are in force on the effective date of this act and which are not inconsistent with the provisions of this act, shall continue in full force and effect until amended or repealed. Elected and appointed officers, boards, commissions and committees shall have all of the powers, duties and responsibilities, which are in force on the effective date of this act that are not inconsistent with this act, which are given to the respective officers, boards, commissions and committees by law, this act, town by-law or by vote of town meeting. Nothing contained herein shall impair contractual rights established prior to the adoption of this act.

SECTION 7. This act shall take effect upon its passage.

or in any way act thereon.

(Submitted by Government Structure Review Committee)

This article seeks approval to submit Special Legislation to the legislature for a Home Rule Petition that would clarify the role and authority of the position of Town Administrator in the Town of Belmont.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 14: SPECIAL ACT - RESTAURANT LIQUOR LICENSES (WINE AND MALT)
To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation increasing the number of licenses that may be issued to restaurants for the sale of beer and wine substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine to be drunk on the premises of restaurants having a seating capacity of not less than 39 and no more than 125 seats; provided, however, that no more than sixteen (16) such licenses shall be in effect, including those licenses issued pursuant to chapter 128 of the acts of 1997. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

or in any way act thereon.

(Submitted by the Board of Selectmen)

This article seeks approval to submit Special Legislation to the legislature for a Home Rule Petition that would increase, by eight (8), the total number of Restaurant Wine and Malt Liquor Licenses in the Town of Belmont. The number of Restaurant All-Alcohol Liquor Licenses would not change. The number of Restaurant Wine and Malt Liquor Licenses would increase by eight (8) for a total of sixteen (16) Restaurant Wine and Malt Liquor Licenses.

Yes _____ No _____

Majority vote required for passage.

ARTICLE 15:

SPECIAL ACT - RETAIL LIQUOR LICENSES

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation increasing the number of licenses that may be issued for the sale of all alcoholic beverages not to be drunk on the premises substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of all alcoholic beverages not to be drunk on the premises; provided, however, that no more than two (2) such licenses shall be in effect, including any license issued pursuant to chapter 395 of the acts of 2006. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 2. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine not to be drunk on the premises; provided, however, that no more than four (4) such licenses shall be in effect, including those licenses issued pursuant to chapter 396 of the acts of 2006. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 3. This act shall take effect upon its passage.

or in any way act thereon.

(Submitted by the Board of Selectmen)

This article seeks approval to submit Special Legislation to the legislature for a Home Rule Petition that would increase, by three (3), the total number of Retail Liquor Licenses in the Town of Belmont. The number of Retail All-Alcohol Liquor Licenses would increase by one (1). The number of Retail Wine and Malt Liquor Licenses would increase by two (2). If approved, there would be a maximum of six (6) Retail Liquor Licenses allowed in the Town, versus the three (3) that are currently offered.

Yes _____ No _____

Majority vote required for passage.

ARTICLE 16:

CAPITAL BUDGET COMMITTEE REPORTS

To see if the Town will vote to amend Article 13 of the General By-Laws of the Town of Belmont by deleting Section 13.3 and replacing it with the following:

"13.3 The Capital Budget Report shall be submitted to the Town Clerk in sufficient time to be distributed to Town Meeting Members at least 14 days prior to the commencement of the session at which the Capital Budget is to be considered. The report shall be available in the Town Clerk's office for distribution to the public. The report shall also be included in the Annual Town Report."

or in any way act thereon.

(Inserted at the request of the Capital Budget Committee)

This article would allow the Capital Budget Committee to issue its Report to the Town Meeting at least 2 weeks prior to the session when the article is to be considered, instead of sending them at the same time as the Town Meeting Warrant. The change will allow the committee sufficient work to fully prepare its report and to review all projects in accordance with the Town's budget approval process.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 17: GENERAL BY-LAWS - RICHARDSON FARM HISTORIC DISTRICT

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by establishing a new historic district to be known as the Richardson Farm Historic District by inserting a new Section 15.2.1 after the existing Section 15.2 as follows:

"15.2.1 There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the Richardson Farm Historic District, bounded as shown on a map entitled, "Plan Showing Richardson Farm Historic District, Washington Street, Blanchard Road, and Glenn Road Belmont, Mass.," dated March 15, 2013, prepared by the Town Engineer, which shall be a part of this By-Law."

or in any way act thereon.

(Submitted by the Historic District Commission)

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 18: GENERAL BY-LAWS - RESIDENTIAL SNOW REMOVAL

To see if the Town will vote to amend Article 20 of the General By-Laws 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:

"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 (24) hours after the snow has ceased to fall. Treatment of ice shall be accomplished within twenty-four (24) hours after the ice has formed.

20.15.2 Snow and ice shall be removed from all portions of sidewalks to a width of thirty-six (36) inches or in the case of sidewalks narrower than thirty-six (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 Section 20.15 for persons for whom compliance would constitute a hardship.

20.15.4 Violation of this Section 20.15 shall be disposed of in the discretion of the Office of Community Development. A non-criminal citation will be issued on the following schedule: First offense - \$100; Second offense - \$200; Third offense and each succeeding offense of the same section of the By-Law occurring within the same winter period - \$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"). 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 20.16 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.

An enforcing person taking cognizance of a violation of this Article 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 non-criminal disposition thereof in accordance with the provisions of Section 21D. The provisions of Section 21D are incorporated herein by this reference."

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 orally on this article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 19:

GENERAL BY-LAWS - POLICE CHIEF

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by deleting Section 4.7 and replacing the existing Section 4.8.2 with the following new Section 4.8.2:

"4.8.2 As provided in Chapter 376 of the Acts of 2010, there shall be a Police Chief appointed by the Board of Selectmen who shall have and exercise all the powers and discharge all the duties conferred by law generally upon police chiefs. The Chief shall appoint such police officers as the Chief deems necessary, and may remove the same at any time for cause after a hearing. The Chief shall have full and absolute authority in the administration of the Police Department, including the appointment and removal of special and auxiliary police officers and other personnel, shall make all rules and regulations for the department's operation, shall report to the Board of Selectmen from time to time as the Board may require, and shall annually report to the Town the condition of the Department with the Chief's recommendations thereon. The Chief shall fix the compensation of all members of the Department, subject to the approval of the Board of Selectmen. The Chief shall be in immediate control of all Town property used by the Department, and of the police officers, whom the Chief shall assign to their respective duties and who shall obey the Chief's orders."

or in any way act thereon.

(Submitted by the Board of Selectmen & Police Chief)

This article seeks to amend the General By-Laws to clarify the statutory authority given to the Police Chief in accordance with Chapter 376 of the Acts of 2010. The amendment clarifies the existing language concerning the Chief's authority and provides consistency with the rest of the General By-Laws.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 20:

GENERAL BY-LAWS - ENABLING ELECTRONIC VOTING

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by inserting after Section 2.7.6.1 the following new Section 2.7.6.2:

"2.7.6.2. Notwithstanding the provisions of the foregoing sections 2.7.6 and 2.7.6.1, subject to the availability of a system to enable electronic voting by Town Meeting Members using wireless handheld mobile devices, the Moderator may count the vote, or conduct a roll call vote, on any matter before the Town Meeting by the use of such system."

or take any other action relative thereto.

(Submitted by the Committee on Electronic Voting at Town Meeting)

This article would allow the utilization of an electronic voting and counting system to allow Electronic Voting by Town Meeting Members using wireless handheld mobile devices.

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 21:

GENERAL BY-LAWS - DEMOLITION DELAY

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by adding a new Article 35 as follows:

**ARTICLE 35
Demolition Delay**

"35.1 Intent and Purpose

This Article is enacted 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 Article, 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 Article 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. The issuance of demolition permits is regulated as provided by this Article.

35.2 Definitions

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

- (a) APPLICANT – Any person or entity that files an Application for a demolition permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate on or with the Application his/her assent to the filing of the Application.
- (b) APPLICATION – An Application for a Demolition Permit, including the information required in Section 35.3.2.
- (c) BUILDING – Any Structure used or intended for supporting or sheltering any use or occupancy.
- (d) COMMISSION – The Belmont Historic District Commission.
- (e) DEMOLITION – Any act of pulling down, destroying, removing, or razing a Building or commencing the work of total or substantial destruction with the intent of completing the same. For the purposes of this section, the term “Demolition” shall not include routine maintenance, interior renovations, removal or construction of porches, decks, windows 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 or substantial 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) INVENTORY – The attached list, entitled *Belmont's Significant Historic Buildings Not Protected By Local Historic District Designation*, shall be kept on file in the Town Clerk's office and may be amended pursuant to Section 35.4.2 of this Article. The Inventory shall be made available to the public.
- (i) PREFERABLY PRESERVED BUILDING – Any Significant Building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such Building to be preserved or rehabilitated rather than demolished.
- (j) SIGNIFICANT BUILDING – A Building that is listed on the Inventory.
- (k) STRUCTURE – Any constructed, erected or placed material or combination of materials in or upon the ground, excluding sidewalks, stairs and paving on streets, driveways, parking areas, and patios.

35.3 Procedure

35.3.1 No Demolition Permit for a Significant Building shall be issued without following the provisions of this Article 35.

35.3.2 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.

- 35.3.3 The Inspector of Buildings shall, within seven (7) days of receipt of such Application, forward a copy thereof to the Commission.
- 35.3.4 After receipt of the Application, the Commission shall hold a public hearing within thirty-five (35) days of receipt of said Application from the Inspector of Buildings to determine if 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, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) days prior to the date of said hearing, and the Inspector of Buildings and 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 fourteen (14) days in advance.
- 35.3.5 Within ten (10) days of the first date of such Public Hearing the Commission shall provide written notification to the Inspector of Buildings and the Applicant as to its determination of whether the Significant Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a later date. If the Commission does not notify the Inspector of Buildings and the Applicant of its determination in writing within ten (10) days of the first date of such Public Hearing, or such later date as agreed by the Applicant, then the Inspector of Buildings may issue the Demolition Permit.
- 35.3.6 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.
- 35.3.7 If the Commission determines that the Significant Building is a Preferably Preserved Building, a Demolition Permit may thereafter be issued no sooner than six (6) months for residential buildings and twelve (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 Article, as provided in Section 1 hereof, will be adequately served. If a building is of mixed-use, having both (i) residential, and (ii) 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.
- 35.3.8 The day from which a period runs is excluded. The last day is included, unless it is a municipal, state or federal holiday, or a Saturday or Sunday, in which case the period runs to the end of the next business day.

35.4 Administration

- 35.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article, but may not increase the length of the delay period stated herein.
- 35.4.2 The Commission may add properties to the Inventory by obtaining a majority vote of approval of Town Meeting. The Commission shall hold a public hearing at least thirty (30) days prior to the Town Meeting vote on the matter. Owners of record of buildings proposed for such listing shall receive written notice of the time and place of such public hearing no less than fourteen (14) days in advance of said public hearing. 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, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) days prior to the date of said hearing.

35.5 Responsibility of Owners

35.5.1 The owner of a Significant Building who has applied for a Demolition Permit 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 within the bounds of this Bylaw;
- Allow exterior access to the property on which the Significant Building is located, as reasonably requested by the Commission;
- Secure the Significant Building, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;
- Participate in the investigation of preservation options for a Preferably Preserved Building; and
- Cooperate with the Commission and any interested parties in seeking alternatives to the Demolition of a Preferably Preserved Building.

35.5.2 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, which destruction could have been prevented by the required security measures, shall be considered a voluntary Demolition in violation of this Article.

35.6 Emergency Demolition

35.6.1 Nothing in this Article 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.

35.6.2 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.

35.7 Enforcement and Remedies

35.7.1 The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Article or to prevent a threatened violation thereof.

35.7.2 Any owner of a Significant Building which is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such violation exists shall constitute a separate offense until a faithful restoration of the demolished Significant Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.

35.7.3 If a Significant Building is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, 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 (2) years from the date of the Demolition, unless agreed to by the Commission.

35.8 Severability

If any provision of this Article shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 35.1.”

or in any way act thereon.

(Submitted by the Historic District Commission and Planning Board)

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

Majority vote required for passage.

Yes ___ No ___

(Insert “Belmont’s Significant Historic Buildings Not Protected by Local Historic District Designation”)



[THIS SECTION INTENTIONALLY LEFT BLANK]

Belmont's Significant Historic Buildings Not Protected by Local Historic District Designation

The following list includes buildings 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). The list does not include the following properties:

- Properties in the Pleasant Street Historic District and Common Street Historic District, which are protected through other means;
- State-owned buildings (MWRA Pumping Station and Brooks-Copeland House at Beaver Brook Reservation);
- Municipal buildings;
- SS Pierce Building, Cushing Square, which is part of a proposed development currently in design review;
- Properties in the MHC inventory that are known to be no longer extant.

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
351	Belmont St	Payson Park Congregational Church	Neo Gothic Revival	1915	12
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
44-48	Church St	Waverley Hall	Greek Revival	1853	12
52-54	Church St		Victorian Eclectic	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

List of Historic Buildings Subject to Demo-Delay 3/30/2013

1

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
1	Common St	Belmont Railroad Station; Ludowici-Celadon Company	Craftsman	1908	12
50	Common St	Underwood, Lyman House	Italianate	1853	6
		Clark, Thomas House	Georgian	1760	6
65-69	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
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
741	Concord Ave	Chenery, W. W. Farmhouse	Greek Revival	1870	6
981	Concord Ave	Shattuck, Josiah House	Georgian	1744	6

List of Historic Buildings Subject to Demo-Delay 3/30/2013

2

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
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
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
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
50	Leonard St	Former Belmont Center Fire Station; Hale, Herbert D. / Brown, T. S. (maker)	Colonial Revival / Victorian Eclectic	1899	12

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
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
75	Lexington St	"Waverley House"	Queen Anne	1885	6
76-78	Lexington St		Craftsman / Colonial Revival	1885	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
139-141	Lexington St	Cutter, Edmund C. House	Second Empire	1885	6
151	Lexington St	Munroe, William A. House	Italianate	1872	6
172-174	Lexington St	Munroe, William House	Queen Anne	1896	6
181	Lexington St		Queen Anne	1913	6
190	Lexington St	Bartlett, Nathaniel House	Greek Revival / Italianate	1860	6
21	Marlboro St	Saint Andrews Episcopal Church	Spanish Eclectic	1912	12
115	Mill St	McLean Hospital Administration Building; Shepley, Rutan & Coolidge / Norcross Brothers (makers)	Colonial Revival	1892	12
115	Mill St	Appleton House; Fehmer & Page / Connery & Wentworth (makers)	Colonial Revival	1892	12
115	Mill St	Bowditch House; Shaw & Hunnewell / Norcross Brothers (makers)	Colonial Revival	1894	12
115	Mill St	Women's Gymnasium; Shaw & Hunnewell (makers)	Tudor Revival	1895	12
115	Mill St	Superintendent's Residence; Fehmer & Page (makers)	English Revival	1895	12
115	Mill St	East House; Fehmer & Page / Norcross Brothers / Cummings, Charles Kimball (makers)	Jacobethan Revival	1893	12
115	Mill St	Former Stable; Fehmer & Page / Norcross Brothers (makers)	Craftsman	1893	6
115	Mill St	Laundry Building; Shepley Rutan & Coolidge (makers)		1893	12
115	Mill St	Mill Street Lodge; Fehmer & Page / Norcross Brothers (makers)	Colonial Revival	1893	12
115	Mill St	North Belknap; Shepley, Rutan & Coolidge (makers)	Jacobethan Revival	1893	12
115	Mill St	Pleasant Street Lodge; Fehmer & Page / Norcross Brothers (makers)	Colonial Revival	1893	12

List of Historic Buildings Subject to Demo-Delay 3/30/2013

4

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
115	Mill St	Power House & Pump House; Tidd, Marshall M. / Colleri, C. E. / Greene, Col. Levi R. / Woodbury, C. J. H. / Norcross Brothers / Stone & Webster Engineering Co / General Electric Company / McNeal Pipe & Foundry Co. (makers)		1893	12
115	Mill St	Proctor House; Shaw & Hunnewell / McNeil Brothers (makers)	Jacobethan Revival	1893	12
115	Mill St	Men's Gymnasium; Wheelwright & Haven (makers)	Tudor Revival/English Revival	1895	12
115	Mill St	Service Building; Shepley, Rutan & Coolidge / McNeil Brothers (makers)	Classical Revival	1893	12
115	Mill St	Workshops and Maintenance Shops		1895	12
115	Mill St	South Belknap; Fehmer & Page / Connery & Wentworth (makers)	Jacobethan Revival	1892	12
115	Mill St	Upham Memorial Building; Peters, William Y. / Norcross Brothers (makers)	Colonial Revival	1892	6
115	Mill St	Wyman House; Shaw & Hunnewell / Norcross Brothers (makers)	Colonial Revival	1894	12
115	Mill St	Codman House; Howard, Philip Barthold (maker)	Colonial Revival	1906	12
115	Mill St	Eliot, Samuel Memorial Chapel; Wheelwright & Haven (maker)	Neo Gothic Revival	1906	12
115	Mill St	South Cottage; Cummings, Charles Kimball (maker)	Craftsman	1912	6
115	Mill St	Arlington House; Peabody & Stearns (maker)	Jacobethan Revival/English Revival	1916	12
115	Mill St	Higginson House; Bigelow & Woodworth (maker)	Colonial Revival	1924	12
115	Mill St	Hill Cottage; Nolte, Eugene T. (maker)	Colonial Revival	1930	12
115	Mill St	Oakes Building; Woodworth, Hubbard & Smith (makers)	Colonial Revival	1932	12
115	Mill St	Waverley House	Colonial Revival	1890	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

List of Historic Buildings Subject to Demo-Delay 3/30/2013

5

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
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
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
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
60-62	Sycamore St	Drayton, Jane E. House		1885	6

List of Historic Buildings Subject to Demo-Delay 3/30/2013

6

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
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
438	Trapelo Rd		Queen Anne	1915	6
445	Trapelo Rd	Former Waverley Fre Station / Butler, First Rev. Daniel Grammar School; Moffette & Tolman / Underwood, H. Thaxter / Higgins, Albert / Homer, Eleazer Bartlett / Brown, T. S. / Alcock, Samuel (makers)	Victorian Gothic / Art Deco	1873	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
306	Washington St	Bright, Joseph Farmhouse	Federal	1781	6
336	Washington St	Thomas, Richardson Homestead	Queen Anne / Federal	1807	6
153	Watson Rd	Bright, Frederick House	Greek Revival / Italianate	1874	6
10	Waverley St	Blake, George F. House		1880	6
22	Waverley St		Second Empire	1878	6
33-35	Waverley St			1880	6
36	Waverley St	Corbett, Alexander, maker		1925	6
37	Waverley St			1907	6
40	Waverley St		Second Empire	1878	6
52	Waverley St		Second Empire	1880	6
55	Waverley St	Davis, Thomas W. House		1880	6
61	Waverley St		Second Empire	1875	6
64	Waverley St		Italianate	1875	6
69	Waverley St			1880	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
67	White St	McCarthy, William C. House	Queen Anne	1885	6
70	White St		Queen Anne	1890	6

List of Historic Buildings Subject to Demo-Delay 3/30/2013

7

#	Street	Historic association Maker = architect/builder	Style	Date	Delay (months)
71-73	White St		Craftsman / Four-square	1927	6
76	White St	Morrison, Rebecca A. House	Queen Anne	1885	6
121-127	White St	Watts, Isaac House	Italianate	1870	6
132	White St			1912	6
158	White St		Italianate	1914	6
168	White St	Taylor, Edwin P. House	Queen Anne	1885	6
173-175	White St	Burnham, George House	Italianate	1873	6
193-195	White St			1925	6
207	White St	Benton, Col. Everett C. House	Second Empire	1874	6
213-215	White St			1870	6
64-66	Winslow Rd	Leger (maker)	Craftsman	1925	6

ARTICLE 22:**GENERAL BY-LAWS - CRIMINAL HISTORY CHECKS**

To see if the Town will vote, in accordance with Chapter 6, section 172B ½ of the Massachusetts General Laws, to establish a new General By-Law of the Town of Belmont by inserting a new Article 36 to provide criminal history checks for persons seeking to obtain certain licenses, permits and registrations.

ARTICLE 36**Criminal History Checks for Certain Licenses, Permits, and Registrations****“36.1 Purpose**

Certain occupations for which the Town has the authority to issue licenses, permits, or registrations carry with them an unusual risk of criminal abuse of members of the public. This Article is adopted pursuant to Chapter 6, section 172B1/2 of the General Laws to provide for a criminal history check for persons seeking to receive from the Town licenses or permits to pursue these occupations.

36.2 Definitions

As used in this by-law, the following words or phrases shall have these meanings:

Criminal history check: The Fingerprint Based Criminal History Check authorized by Massachusetts General Laws Chapter 6, section 17B1/2 for the purpose of conducting a state and national criminal history records check pursuant to sections 168 and 172 of the General Laws and 28 U.S.C. § 534 based upon a full set of fingerprints submitted by the applicant to the Police Department.

License: Any permission granted by a licensing authority to pursue an occupation, including a license, permit, or registration.

Licensing authority: The Town or any of its officers, departments, boards, committees, or other authorities which are authorized to issue licenses, permits, or registrations by the Massachusetts General Laws, the General By-Laws, or a local rule or regulation.

36.3 Occupations Subject to a Criminal History Check

36.3.1 Prior to being issued an original license and prior to being allowed to renew a license, a person who seeks to pursue one of the following occupations within the Town shall be required to submit to a criminal history check:

- (a) Dealer in Second-Hand Articles
(Town of Belmont General By-Laws 4.9.5, issued by the Board of Selectmen),
- (b) Door to Door Salesperson
(Town of Belmont General By-Laws 30.3, issued by the Chief of Police),
- (c) Hackney Driver
(Town of Belmont General By-Laws 4.9.1, issued by the Board of Selectmen or its designee),
- (d) Ice Cream Truck Vendor
(General Laws Chapter 270, section 25, issued by the Chief of Police),
- (e) Pawnbroker
(General Laws Chapter 140, section 70, issued by the Board of Selectmen).

36.3.2 The requirement of a criminal history check in this by-law shall be in addition to any other qualification required by state law or the Town's by-laws or regulations.

36.4 Initial Processing of Criminal History Check by Police Department

36.4.1 The Chief of Police shall by rule or regulation establish a criminal history check process and assign an officer or officers to provide this service for applicants.

36.4.2 A person who applies to the Town or one of its officers for a license to pursue one of the occupations listed in 36.3.1 shall appear at the police station.

36.4.3 The applicant shall tender a non-refundable fee for the criminal history check, which fee shall be in addition to any other fee required for the application for the license.

36.4.4 The applicant shall submit such personal information as may be required for the criminal history check and a full set of fingerprints.

36.4.5 Upon receipt of the fee established for this check and the set of fingerprints, the officer will transmit the applicant's fingerprints to the Massachusetts State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS). The State Police will compare the applicant's fingerprints against its criminal files and then transmit the fingerprints to the Federal Bureau of Investigation for comparison against records kept by the FBI. The FBI will transmit its results to the State Police which shall disseminate the Massachusetts and federal results to the Police Department.

36.4.6 The Town authorizes the Massachusetts State Police, DCJIS, and the FBI, and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including checking FBI records, consistent with this by-law.

36.4.7 Information received from the Massachusetts State Police, DCJIS, and the FBI pursuant to a criminal history check will not be disseminated to unauthorized persons or entities.

36.5 Recommendation of Fitness for Issuance of License

36.5.1 Upon receipt of the records, the officer shall make a preliminary determination as to whether the applicant will be recommended to the licensing authority as fit or unfit for issue of the license.

36.5.2 In determining whether to recommend the applicant as fit for the license, the officer shall consider whether any entry in the records constitutes an automatic disqualification from the occupation. The officer will consider how the following convictions or pending criminal cases for (1) any felony, (2) any offense related to unlawful sexual conduct, (3) the distribution or possession with intent to distribute a controlled substance, (4) any misdemeanor involving as an element the use or threatened use of force, (5) any misdemeanor involving the unlawful taking or receipt of property, or attempts to do so, and (6) any crime which bears more specifically upon the applicant's fitness or ability to serve in the occupation for which he or she is seeking a license. In addition, the officer conducting the check shall consider whether the person is registered as a sex offender.

36.5.3 Prior to transmitting the results and the criminal history record to the licensing authority, the officer shall communicate the preliminary recommendation to the applicant.

36.5.4 If the applicant wishes, the officer shall provide the applicant with a copy of the criminal history record.

36.5.5 If the officer's preliminary recommendation is that the applicant is unfit, the officer will:

- (a) indicate to the applicant which record or records appear to make the applicant unfit,
- (b) allow the applicant to challenge the accuracy of records and provide additional information,
- (c) provide the applicant with information regarding procedures for changing, correcting, or updating of a criminal record, which information will include the DCJIS guide and 28 C.F.R. Part 16.34,
- (d) allow the applicant a reasonable time to dispute the accuracy of criminal record with the agencies responsible for creating or keeping the record.

36.5.6 The Police Department will transmit the recommendation as to the applicant's fitness and the result of the criminal history check only if the officer reasonably believes the record to be complete and accurate.

36.6 Licensing authority action

36.6.1 The licensing authority shall use the results of the criminal history check and the Police Department's recommendation solely for the purpose of determining the applicant's fitness for a license.

36.6.2 If requested by the applicant, the licensing authority will afford the applicant with an opportunity to provide information in mitigation of his or her criminal record or to suspend the application process until the applicant has had the opportunity to correct or complete the criminal record.

36.6.3 The licensing authority will consider the information provided pursuant to this by-law and other information relevant to the applicant's fitness to whether to issue the license.

36.6.4 The licensing authority is authorized to act upon information it receives pursuant to this by-law to deny any application for a license, or to revoke or suspend any license, or to deny a renewal or transfers of a license.

36.6.5 Neither the Police Department's recommendation as to fitness nor the information received from the Massachusetts State Police, DCJIS, and the FBI pursuant to a criminal history check will be disseminated to unauthorized persons or entities.

36.7 Collection and Disbursement of Fee

The fee for the criminal history check is \$100. A portion of the fee collected from the applicant shall be deposited into the Firearms Fingerprint Identity Verification Trust fund as directed in Massachusetts General Laws Chapter 6, Section 172B1/2. The remainder shall be retained by the Police Department for costs associated with the administration of the criminal history checks.

36.8 Collection and Disbursement of Fee

If any provision of this Article shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 36.1."

(Submitted by Police Chief and Board of Selectmen)

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

Majority vote required for passage.

Yes _____ No _____

ARTICLE 23: GENERAL BY-LAWS - STORMWATER MANAGEMENT AND EROSION CONTROL

To see if the Town will vote to insert a new Article 34 into of the General By-Laws of the Town of Belmont by inserting the following:

ARTICLE 34

Stormwater Management and Erosion Control By-Law

34.1 Purposes

The purposes of this By-Law are:

- (a) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System (MS4);
- (b) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections
- (c) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (d) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (e) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff,
- (f) To promote infiltration and the recharge of groundwater;
- (g) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and
- (h) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

34.2 Definitions

For the purposes of this By-Law, the following definitions shall apply:

ALTERATION — Any activity, that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, earthmoving, paving, and modification of existing vegetation.

BEST MANAGEMENT PRACTICES (BMPs) — Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT — The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

DEVELOPMENT – The alteration of land to accommodate a new use or an expansion or modification of an existing use.

HAZARDOUS MATERIAL - Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under *M.G.L. c.21C* and *c. 21E*, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLICIT CONNECTION - A surface or subsurface drain or conveyance that allows an illicit discharge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLICIT DISCHARGE - Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Section 34.5.3. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE — Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

MAINTENANCE OF EXISTING LANDSCAPING, GARDENS OR LAWN AREAS – The act of trimming, pruning, mowing or edging existing vegetation.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM) — The system of conveyances, owned or operated by the Town of Belmont, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NONPOINT SOURCE POLLUTION - Any water pollution having a source that is not a "point source."

NON-STORMWATER DISCHARGE — A discharge into the MS4 that is not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN - A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OCD – Town of Belmont Office of Community Development

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE - Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT - Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) Pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

RECHARGE — The process by which groundwater is replenished by precipitation.

RUNOFF - The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM - A separate underground conveyance system specifically for transporting waste operated separately and independently to which storm, surface, and ground waters are not intentionally admitted.

STORMWATER - Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT — The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT — A permit issued by the Town of Belmont Office of Community Development, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT STANDARDS — The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection pursuant to authority under the *Wetlands Protection Act, M.G.L. c. 131, § 40*, and the Massachusetts *Clean Waters Act, M.G.L. c. 21, §§ 26 – 53*, as such Standards and Handbooks may be hereafter amended.

VEGETATION – Trees, shrubs, bushes and ground cover, including grass.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

34.3 Administration

34.3.1 The Board of Selectmen shall adopt, and may periodically amend, rules and regulations relating to the requirements, procedures, administration and enforcement of this By-Law, after conducting a public hearing to receive comments on any proposed rules and regulations.

34.3.2 The OCD shall be responsible for the day-to-day administration of this By-Law and shall be the Stormwater Management and Erosion Control Permit Granting Authority.

34.3.3 The OCD shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

34.4 Permit Process

34.4.1 A completed application for a Stormwater Management and Erosion Control Permit shall be filed with the OCD. A permit shall be obtained prior to the commencement of any work regulated by this By-Law.

34.4.2 Some permit applications may require the OCD to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of this By-Law. This service shall be funded by the applicant during the Stormwater Management and Erosion Control Permit process.

34.4.3 The OCD shall take final action on an application for a Stormwater Management and Erosion Control Permit within thirty (30) days from the receipt of a complete application. The OCD may approve the application; approve the application with conditions; or disapprove the application. Failure by the OCD to take final action on an application within 30 days following the receipt of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the OCD and applicant.

34.4.4 The applicant, or an agent thereof, shall obtain the approval of the OCD prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The OCD may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to § 34.5 of this By-Law, the Stormwater Management Standards and Best Management Practices. The OCD has the right to amend the existing permit and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

34.5 Illicit Connection Detection & Elimination

34.5.1 Prohibited Activities

34.5.1.1 Illicit Discharges.

No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. Nothing in the article shall be construed to exempt stormwater discharges from regulation under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

34.5.1.2 Illicit Connections.

No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

34.5.1.3 Obstruction of Municipal Storm Drain System.

No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the OCD.

34.5.2 Regulated Activities

No person shall connect a pipe or other appurtenance to the Town of Belmont sanitary sewer system or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Stormwater Management and Erosion Control Permit.

34.5.3 Exemptions

The following Non-Stormwater Discharges are exempt from the requirements of Sections 34.4 and 34.5 of this By-Law except if the OCD determines, after notice and an opportunity for hearing, that the source is a significant contributor of a Pollutant to the MS4:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);
- (f) Uncontaminated pumped ground water;
- (g) Discharges from potable water sources;
- (h) Foundation drains;
- (i) Air conditioning condensation;
- (j) Irrigation water and springs;
- (k) Water from crawl space pumps;
- (l) Footing drains;
- (m) Lawn watering;
- (n) Car washing undertaken by individual residents at their homes;
- (o) Flows from wetland resource areas;
- (p) De-chlorinated swimming pool discharges;
- (q) Street wash water and residential building wash waters, without detergents;
- (r) Discharges or flows from firefighting activities;
- (s) Dye testing, if written approval is given by the OCD prior to the time of the test;
- (t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- (u) Discharges necessary to protect public health, safety, welfare or the environment, for which advanced written approval is received from the OCD.

34.5.4 Emergency Suspension of Storm Drain System Access

The OCD may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In

the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the OCD may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

34.6 Stormwater Management and Erosion Control

34.6.1 Regulated Activities

A Stormwater Management and Erosion Control Permit shall be required prior to undertaking any land disturbance that involves:

- (a) An alteration that will result in land disturbances of 2,500 square feet of total area or more, or that is part of a common plan for development that will disturb 2,500 square feet or more;
- (b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
- (c) Storage or permanent placement of more than 100 cubic yards of excavated material, fill, snow or ice.

34.6.2 Exempt Activities

Lots with three or fewer dwelling units existing as of the effective date of this article shall be exempt from Section 34.6. In addition, the following activities shall be exempt from Section 34.6:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Stormwater discharges that are authorized by an Order of Conditions issued by the Conservation Commission;
- (e) Maintenance of existing landscaping, gardens or lawn areas;
- (f) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (g) Emergency activities necessary to protect public health or safety

34.6.3 General Requirements

34.6.3.1 An Operation and Maintenance Plan shall be submitted to the OCD for approval prior to the issuance of a Stormwater Management and Erosion Control Permit. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management and Erosion Control Permit, this By-Law, and the Massachusetts Surface Water Quality Standards, 314 CMR. 4.00, in all seasons and throughout the life of the system.

34.6.3.2 As-built drawings showing all stormwater management systems shall be submitted to the OCD at the completion of a project.

34.6.3.3 The OCD may require the applicant to contribute to the cost of design, construction, and maintenance of a public or shared stormwater facility in lieu of an onsite stormwater facility where the OCD determines that there are not sufficient site conditions for onsite Best Management Practices that will satisfy the design criteria set forth in Section 34.6.4.1 of this By-Law and the performance standards set forth in the regulations promulgated under this By-Law. Funds so contributed may be used to design, construct, and maintain stormwater projects that will improve the quality and quantity of surface waters in

Belmont by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of any required contribution to the fund shall be determined by the OCD pursuant to standards established in the Regulations adopted pursuant to this By-Law.

34.6.4 Design Criteria

34.6.4.1 All Development shall satisfy the following design criteria:

- (a) Compliance with all applicable provisions of the Stormwater Management Standards, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or storm sewers, the OCD may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

34.7 Severability

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 34.1.

34.8 Enforcement

The OCD shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law, and may pursue all civil and criminal remedies for such violations.

- (a) The OCD may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:
 - (i) eliminate illicit connections or discharges to the MS4;
 - (ii) perform monitoring, analyses, and reporting;
 - (iii) cease and desist unlawful discharges, practices, or operations; and
 - (iv) remediate contamination in connection therewith.
- (b) If the OCD determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the OCD may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Section 34.8 (e) .
- (c) If the OCD performs the work described in Section 34.8 (b), within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the OCD, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Town Administrator within thirty (30) days of receipt of the notification of the costs incurred.

- (d) If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the OCD, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- (e) As an alternative to criminal remedies set forth in this Section,, the OCD may elect to utilize non-criminal disposition procedures set forth in *M.G.L. c.40, § 21D*. The penalty for the first violation shall be \$100.00. The penalty for the second violation shall be \$200.00. The penalty for the third and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues, shall constitute a separate offense.
- (f) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the OCD, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys or sampling as the OCD deems reasonably necessary.
- (g) The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law."

or in any way act thereon.

(Submitted by the Board of Selectmen)

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

Majority vote required for passage.

Yes___ No___

ARTICLE 24

STORMWATER MANAGEMENT ENTERPRISE FUND

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2, of the General Laws which permit the Town to establish a separate account classified as an "Enterprise Fund" for Stormwater Management, to become effective July 1, 2014, and to amend the action taken under Article 29 of the Annual Town Meeting of 2003 by limiting the Enterprise Fund established thereunder for sewer and stormwater services to sewer services only; or in any way act thereon.

This article seeks Town Meeting approval to accept a provision of Massachusetts General Laws to establish a separate Enterprise Fund account for the Town's stormwater management services. This is an accounting mechanism that will allow for all costs and revenues associated with the operations of the Town's stormwater management services to be separate from the Sewer and Stormwater Enterprise Fund. Upon passage of this article and the establishment of the new Stormwater Management Enterprise Fund in FY15, the existing Sewer and Stormwater Enterprise Fund would be limited to sewer services only, as well as to allow for the accounting of the depreciation of all capital equipment and property as required by the GASB 34 requirements.

(Submitted by the Board of Selectmen)

The Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes___ No___

ARTICLE 25:

SENIOR TAX ABATEMENT PROGRAM

To see if the Town will vote, in accordance with the provisions of Massachusetts General Laws Chapter 59, section 5K, to raise the reduction of tax liability from \$750 to \$1,000 for volunteer services for persons over age 60; or in any way act thereon.

(Submitted by the Board of Assessors)

This article was initiated by the Board of Assessors, in cooperation with the Board of Selectmen, and seeks to increase the eligibility amounts for the Senior Citizen Residents to qualify for the Senior Tax Abatement Program. The article increases the current exemption amount from \$750 to \$1,000.

The Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes ___ No ___

ARTICLE 26: COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECT

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2014 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2014; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; or in any way act thereon.

Amount	Project Name	Category	Funding Sources
\$10,000	Building Survey & Investigation of the 1853 William Flagg Homer House	Historic Preservation	Historic Preservation
\$20,000	Intergenerational Walking Path Plan at Clay Pit Pond	Recreation	Open Space/Recreation
\$10,000	Irrigation Improvements at Rock Meadow Community Gardens	Recreation	Open Space/Recreation
\$72,000	Town Hall Concord Ave Door Remediation	Historic Preservation	Historic Preservation
Up to \$100,000	Joey's Park Rehabilitation	Recreation	Open Space/Recreation
\$147,000	Electric Service Upgrade- Underground Wiring (Affordable Housing)	Community Housing	Community Housing
Up to \$385,000	Underwood Park (Plan & Design)	Recreation	FY13 Budgeted Reserve/ Unreserved Fund Balance
\$115,000	Comprehensive Cultural Resources Survey of Belmont	Historic Preservation	FY13 Budgeted Reserve/ Unreserved Fund Balance
Up to \$100,000	Preserving and Digitizing Belmont's Vital Records	Historic Preservation	Historic Preservation

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

(Submitted by the Community Preservation Committee)

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 27: EASEMENT – OAKLEY DEVELOPMENT

To see if the Town will vote to accept an easement, recorded with the Middlesex South Registry of Deeds as Sheet 3 of 5 on Plan No. 867 of 2009, granted by North Shore Construction & Development to the Town of Belmont for the use by the public, said easement required as part of the approval granted by the Planning Board for the construction of the Oakley Neighborhood Smart Growth residential development; or in any way act thereon.

(Submitted by the Planning Board and Board of Selectmen)

The Warrant Committee will report orally on the article.

Two-thirds vote required for passage.

Yes ___ No ___

ARTICLE 28: UNDERWOOD POOL AND PLAYGROUND BUILDING COMMITTEE

To see if the Town will vote to establish an Underwood Pool and Playground Building Committee for the purpose of constructing a new public swimming pool and related recreational facilities; to authorize the Town Moderator to appoint an Underwood Pool and Playground Building Committee to oversee the design and construction of said project; to authorize said Underwood Pool and Playground Building Committee to enter into contracts and take all actions necessary to carry out the schematic level design; or in any way act thereon.

This article seeks to appoint an Underwood Pool and Playground Building Committee to develop a design for a new Underwood Pool and Playground, including a new public swimming pool, bathhouse, park and a potential new athletic field. There are continuing discussions on the scope of this project.

(Submitted by the Board of Selectmen)

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

Majority vote required for passage.

Yes ___ No ___

ARTICLE 29: APPROPRIATION FOR UNDERWOOD POOL AND PLAYGROUND

To see if the Town will vote to appropriate a sum of money to fund Project Design Services for the Underwood Pool and Playground, including the public swimming pool and related recreational facilities; including expenses related to this project; and to determine whether such sum shall be raised by borrowing or otherwise and by whom expended, or in any way act thereon.

This article seeks authorization to appropriate up to \$385,000 for Project Design Services for the Underwood Playground, including a new public swimming pool at Concord Avenue. There are continuing discussions on the scope of this project, including the possibility of relocating the swimming pool on the site and relocating the Belmont High School athletic field to the Underwood Playground. Funding for this design has been approved by the Community Preservation Act ("CPA") Committee under Article 22. This Article provides an opportunity to consider alternative funding if CPA funds are not approved for this project.

(Submitted by the Board of Selectmen)

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

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

Yes ___ No ___

ARTICLE 30: ZONING BY-LAWS - INTERIM CONTROLS FOR MEDICAL MARIJUANA USES

To see if the Town will vote to amend the Zoning By-Laws by inserting a new Section 9.0, 'Interim Controls for Medical Marijuana Uses', at the end of the Zoning By-Laws, as follows:

"9.0 INTERIM CONROLS FOR MEDICAL MARIJUANA USES

9.1 Purpose

This Section 9 is intended to provide restrictions that will allow the Town adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth

of Massachusetts became effective January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in Belmont shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

9.2 Definition

A "Medical Marijuana Treatment Center" means a not-for-profit entity, as defined by Massachusetts law only, registered with the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

9.3 Interim Restriction

9.3.1 The use of land or structures for a Medical Marijuana Treatment Center shall not be permitted in any zoning district, including any overlay district, in the Town of Belmont so long as this Section 9 is effective as set forth in Section 9.5 below.

9.3.2 The cultivation, processing, storage, sale, distribution and dispensing of marijuana, products containing or derived from marijuana or related products shall not be permitted in any zoning district, including any overlay district, in the Town of Belmont so long as this Section 9 is effective as set forth in Section 9.5 below.

9.3.3 Use variances shall be strictly prohibited.

9.4 Exclusion of Accessory Uses

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

9.5 Expiration

This Section 9.0 shall expire on the earlier of either June 30, 2014, or until such future time that the Belmont Town Meeting enacts superseding zoning regulations that set forth the allowed locations, dimensional, parking and other requirements applicable to medical marijuana uses.

9.6 Severability

The provisions of this article are severable and, in the event that any provision of this article is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect."

or in any way act thereon.

(Submitted by the Planning Board)

The Planning Board will report orally on this article.

Two-Thirds vote required for passage.

Yes _____ No _____

ARTICLE 31: ZONING BY-LAWS - RELIGIOUS AND MUNICIPAL BUILDING PRESERVATION

To see if the Town will vote to amend the Zoning By-Laws of the Town of Belmont by inserting a new Section 6.12, 'Religious and Municipal Building Preservation', at the end of Section 6 as follows:

"6.12 Religious and Municipal Building Preservation

6.12.1 Purpose

The purpose of this Section is to promote the preservation of Religious and Municipal Buildings by permitting their adaptive reuse for residential or commercial use (or combination thereof) that may not otherwise be permitted under this Zoning By-Law.

6.12.2 Buildings Eligible Under this By-Law

A Religious or Municipal Building located in any zoning district is eligible for a Special Permit under this Section 6.12 if:

- a) The building, or at least one of the buildings located on the property, was always used for religious or municipal purposes; and
- b) The Religious or Municipal Building was originally constructed prior to 1950.

6.12.3 Uses Allowed by Special Permit

The Planning Board may grant a Special Permit to allow a Religious or Municipal Building, as identified under Section 6.12.2, to be used for other residential or commercial uses (or any combination thereof) than otherwise would be allowed in the underlying zoning district.

6.12.4 Incentives for Preservation

In order to permit the adaptive reuse of Religious or Municipal Buildings, the Planning Board may grant a Special Permit to:

- a) Reduce the on-site parking requirements;
- b) Modify Inclusionary Housing requirements of Section 6.10; and
- c) Increase, within the existing buildings, the number of stories and dwelling units allowed by the underlying zoning district.

6.12.5 Special Permit Procedure

- a) An Application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-law.
- b) Applicants are encouraged to meet informally with the Planning Board and Historic District Commission to discuss the proposal prior to submittal of a formal Application.
- c) Upon receipt of an Application, the Planning Board shall forward a copy of the Application to the Historic District Commission for its review and recommendations concerning the proposed exterior treatments of the Religious or Municipal Buildings, including such things as windows, roofing and siding materials, and landscaping. Such recommendations shall include:

- 1) the Commission's assessment as to whether the proposed exterior alterations would adversely affect the historic landscape or the architectural and historic integrity of the principal historic building itself; and
- 2) specific conditions which the Commission believes should be imposed on the Special Permit in order to prevent any adverse effects and promote appropriate rehabilitation as provided for in the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

The Historic District Commission shall hold a public hearing and make recommendations to the Planning Board within thirty-five (35) days of the Commission's receipt of the Application. Otherwise, the Application shall be deemed approved by the Historic District Commission.

- d) Upon receipt of an Application, the Planning Board shall forward a copy of the Application to the Belmont Housing Trust for its review and recommendations concerning Inclusionary Housing. The Belmont Housing Trust shall make recommendations to the Planning Board within thirty-five (35) days of the Commission's receipt of the Application. Otherwise, the Application shall be deemed approved by the Belmont Housing Trust.
- e) The Planning Board may grant a Special Permit for development of a Religious and Municipal Building if it finds that the conditions for approval for Special Permits set forth in Section 7.4.3 of this Zoning By-Law have been met.
- f) In granting a Special Permit under this Section 6.12, the Planning Board shall require that a perpetual preservation restriction on the Religious or Municipal Building be granted to the Town or other appropriate body or preservation organization under the provisions of Massachusetts General Laws, Chapter 184, Section 31. The form of such preservation restriction shall be subject to review and approval by Town Counsel.

6.12.6 Nonconforming Buildings

Any exterior or interior alteration to a preexisting nonconforming Religious or Municipal Building made pursuant to a Special Permit issued under this Section shall be deemed not to constitute an "alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent" requiring consideration and a Special Permit by the Board of Appeals under Section 1.5.3.

6.12.7 Rules and Regulations

The Planning Board shall be charged with administering this By-Law and may promulgate rules and regulations to implement its provisions."

or in any way act thereon.

(Submitted by the Planning Board)

The Planning Board will report orally on this article.

Two-thirds vote required for passage.

Yes ___ No ___

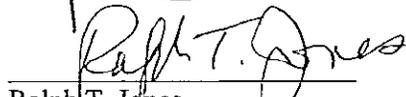


Given under our hands this 8th day of April, 2013.

BOARD OF SELECTMEN


Mark A. Paolillo, Chair


Andrés T. Rojas


Ralph T. Jones

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

TOWN OF BELMONT
CAPITAL BUDGET COMMITTEE

April, 2013

Dear Town Meeting Members,

Once, again, this year, we give you a one page preview of the Capital Budget Committee report prior to the start of annual Town Meeting. You will receive the traditional, detailed report in anticipation of the capital request articles of Town Meeting that will be taken up in June. You will note that the Town Meeting warrant includes an article to change the by-law that governs our Capital Budget report to more accurately reflect the timing of the financial portion of Town Meeting. We urge you to support this change that will simplify and streamline our reporting to you.

The major themes in the FY2014 Capital Budget are similar to previous years. As you know, Town departments, along with the School Department, submit requests to the Capital Budget Committee with an estimated cost and in a priority order. The CBC spends considerable time meeting with the department heads, asking questions, and analyzing the requests. It is the task of the CBC to put all of the requests into a long-term plan, establish one priority list for all the requests, and agree on which projects to fund in the coming fiscal year. Requests for road repairs are funded out of Chapter 90 state funds and the yearly allocation from the 2001 override. Water and sewer requests are funded out of enterprise funds. All other requests must be funded from the allocation given to the CBC from the Selectmen.

This year's CBC department requests include several "big ticket" items that were requested but deferred from last year: a ladder truck for the fire department and the following items for the high school- replacement turf at the football field; replacement flooring for the gym; parking lot paving; natural gas co-generation system; air quality initiative for the Higginbottom pool area. New large requests include a fire pumper truck; replacement of the White Field House; replacement of town hall windows. In addition we have requests to continue multi-year projects such as building envelope work and replacing unit-vents at the high school. Departments have also requested items such as snow-fighter conversions, school building security, and miscellaneous heavy equipment.

The CBC is working closely with the Town Treasurer to determine how best to prioritize and fund these large items. Lease/purchase agreements and short term bonds are strategies we are exploring to better afford large vehicles and artificial turf by spreading the impact of the cost over several years. However, we must always be aware of the effect of adding more debt, however short-term, to the overall debt load of the Town.

Finally, the CBC has met throughout the summer and fall to identify criteria for prioritizing the Town's remaining capital projects: police station, DPW facility, high school, library, skating rink/White field house and Underwood pool. We are currently sharing our work with town departments with a goal of presenting a report to the Town by June.

Thank you for your attention and we look forward to providing you with our report and list of recommendations well in advance of the June sessions of Town Meeting.

Anne Marie Mahoney, Chairman

Rebecca Vose, Clerk

Michael Battista, M. Patricia Brusch, John Conte, Anne Lougee and Andres Rojas



MOTIONS
2013 ANNUAL TOWN MEETING
As of April 11, 2013
(Subject to Change)

OPENING MOTION

COMMENCE ANNUAL TOWN MEETING

MOVED: That the 2013 Annual Town Meeting be called to order. *(Majority vote)*

PRELIMINARY MOTION

ORDER OF THE ARTICLES

MOVED: That the Town Meeting hear the motions in the following order: *(Majority vote)*

1, 2, 16, 17, 19, 14,15, 13, 18, 26, 28, 29, 25, 30, 31, 27, 21, 22, 23, 24
3, 4, 5, 6, 7, 8, 20, 9, 10, 11, 12

ARTICLE 1:

REPORTS

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees for the year 2012 be accepted. *(Majority vote)*

MOVED: That Article 1 motion be tabled. *(Majority vote)*

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

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

ARTICLE 13:

SPECIAL ACT - TOWN ADMINISTRATOR

MOVED: That under Article 13, the reading of the proposed petition to the General Court to enact legislation to establish the position of Town Administrator be dispensed with, the same being set forth in full under Article 13 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town authorize the Board of Selectmen to petition the General Court to enact legislation establishing the position of Town Administrator substantially in the form as set forth in full under Article 13 in the Warrant for this meeting; and further to authorize the Selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition. *(Majority vote)*

ARTICLE 14: SPECIAL ACT - RESTAURANT LIQUOR LICENSES (WINE AND MALT)

MOVED: That the Town authorize the Board of Selectmen to petition the General Court to enact legislation increasing the number of licenses that may be issued to restaurants for the sale of beer and wine substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition. (*Majority vote*)

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine to be drunk on the premises of restaurants having a seating capacity of not less than 39 and no more than 125 seats; provided, however, that no more than sixteen (16) such licenses shall be in effect, including those licenses issued pursuant to chapter 128 of the acts of 1997. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

ARTICLE 15: SPECIAL ACT - RETAIL LIQUOR LICENSES

MOVED: To see if the Town will authorize the Board of Selectmen to petition the General Court to enact legislation increasing the number of licenses that may be issued for the sale of alcoholic beverages not to be drunk on the premises substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition. (*Majority vote*)

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of all alcoholic beverages not to be drunk on the premises; provided, however, that no more than two (2) such licenses shall be in effect, including any license issued pursuant to chapter 395 of the acts of 2006. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 2. The board of selectmen of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine not to be drunk on the premises; provided, however, that no more than four (4) such licenses shall be in effect, including those licenses issued pursuant to chapter 396 of the acts of 2006. The licenses shall be subject to chapter 138 of the General Laws.

SECTION 3. This act shall take effect upon its passage.

ARTICLE 16: CAPITAL BUDGET COMMITTEE REPORTS

MOVED: That the Town amend Article 13 of the General By-Laws of the Town of Belmont by deleting Section 13.3 and replacing it with the following:

“13.3 The Capital Budget Report shall be submitted to the Town Clerk in sufficient time to be distributed to Town Meeting Members at least 14 days prior to the commencement of the session at which the Capital Budget is to be considered.

The report shall be available in the Town Clerk's office for distribution to the public.
The report shall also be included in the Annual Town Report." (*Majority vote*)

Reporting: By-Law Review Committee

ARTICLE 17: GENERAL BY-LAWS - RICHARDSON FARM HISTORIC DISTRICT

MOVED: That the Town amend the General By-Laws of the Town of Belmont by establishing a new historic district, to be known as the Richardson Farm Historic District, by inserting a new Section 15.2.1 after the existing Section 15.2 as follows: (*Majority vote*)

"15.2.1 There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the Richardson Farm Historic District, bounded as shown on a map entitled, "Plan Showing Richardson Farm Historic District, Washington Street, Blanchard Road, and Glenn Road Belmont, Mass.," dated March 15, 2013, prepared by the Town Engineer, which shall be a part of this By-Law."

[Please refer to enclosed map]

Reporting: By-Law Review Committee

ARTICLE 18: GENERAL BY-LAWS - RESIDENTIAL SNOW REMOVAL

MOVED: That under Article 18, the reading of the proposed amendment to Article 20 of the Town's General By-Laws pertaining to "Residential Snow Removal" 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. (*Majority vote*)

MOVED: That the Town amend Article 20 of the Town's General By-Laws by renumbering 20.15 to 20.16 and then by inserting a new Section 20.15 to provide for Residential Snow Removal as set forth in full under Article 18 in the Warrant for this meeting. (*Majority vote*)

Reporting: By-Law Review Committee

ARTICLE 19: GENERAL BY-LAWS - POLICE CHIEF

MOVED: That under Article 19, the reading of the proposed amendment to Article 4 of the Town's General By-Laws pertaining to "Police Chief" be dispensed with, the same being set forth in full under Article 19 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town amend Article 4 of the Town's General By-Laws by deleting Section 4.7 and by replacing the existing Section 4.8.2 with a new Section 4.8.2 as set forth in full under Article 19 in the Warrant for this meeting. (*Majority vote*)

Reporting: By-Law Review Committee

ARTICLE 21: GENERAL BY-LAWS - DEMOLITION DELAY

MOVED: That under Article 21, 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 21 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town amend the General By-Laws of the Town of Belmont by adding a new Article 35 to provide for Demolition Delay provisions as set forth in full under Article 21 in the Warrant for this meeting. (*Majority vote*)

Reporting: By-Law Review Committee

ARTICLE 22: GENERAL BY-LAWS - CRIMINAL HISTORY CHECKS

MOVED: That under Article 22, the reading of the proposed amendment to the Town's General By-Laws pertaining to "Criminal History Checks" be dispensed with, the same being set forth in full under Article 22 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town, in accordance with Chapter 6, section 172B ½ of the Massachusetts General Laws, amend the General By-Laws by establishing a new General By-Law in the Town of Belmont by inserting a new Article 36 to provide for Criminal History Checks for persons seeking to obtain certain licenses, permits and registrations as set forth in full under Article 22 in the Warrant for this meeting. *(Majority vote)*

Reporting: By-Law Review Committee

ARTICLE 23: GENERAL BY-LAWS - STORMWATER MANAGEMENT AND EROSION CONTROL

MOVED: That under Article 23, the reading of the proposed amendment to the Town's General By-Laws pertaining to "Stormwater Management and Erosion Control" be dispensed with, the same being set forth in full under Article 23 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town amend the General By-Laws by inserting a new Article 34 "Stormwater Management and Erosion Control" into the General By-Laws of the Town of Belmont to provide for stormwater management and erosion control as set forth in full under Article 23 in the Warrant for this meeting. *(Majority vote)*

Reporting: By-Law Review Committee

ARTICLE 24: STORMWATER MANAGEMENT ENTERPRISE FUND

MOVED: That the Town accept the provisions of Chapter 44, Section 53F1/2, of the General Laws to permit the Town to establish a separate account classified as an "Enterprise Fund" for Stormwater Management, to become effective July 1, 2014, and to amend the action taken under Article 29 of the Annual Town Meeting of 2003 by limiting the Enterprise Fund established thereunder for sewer and stormwater services to sewer services only. *(Majority vote)*

Reporting: By-Law Review Committee

ARTICLE 25: SENIOR TAX ABATEMENT PROGRAM

MOVED: That the Town vote, in accordance with the provisions of Massachusetts General Laws Chapter 59, section 5K, to raise the reduction of tax liability from **\$750 to \$1,000** for volunteer services for persons over age 60. *(Majority vote)*

Reporting: Warrant Committee

ARTICLE 26: COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS

MOVED: That the Town reserve for appropriation the following amounts from estimated FY2014 receipts of **\$1,177,370** as recommended by the Community Preservation Committee:

1. **\$117,737** for the acquisition, creation and preservation of open space and for recreational use;
2. **\$117,737** for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. **\$117,737** for the creation, preservation and support of community housing;
4. **\$766,159** to the budgeted reserve; and

5. **\$58,000** to be appropriated for the Administrative Expenses and all other necessary proper expenses of the Community Preservation Committee for FY2014.

(Majority vote)

MOVED: a) That **\$10,000** be appropriated for the Building Survey & Investigation of the 1853 William Flagg Homer House and to meet this appropriation, **\$10,000** be appropriated from the Historic Preservation Reserve Account of the Community Preservation Fund.

(Majority vote)

MOVED: b) That **\$20,000** be appropriated for the Intergenerational Walking Path Plan at Clay Pit Pond and to meet this appropriation, **\$20,000** be appropriated from the Open Space/ Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: c) That **\$10,000** be appropriated for the Irrigation Improvements at Rock Meadow Community Gardens and to meet this appropriation, **\$10,000** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund.

(Majority vote)

MOVED: d) That **\$72,000** be appropriated for the Town Hall Concord Ave Door Remediation and to meet this appropriation, **\$72,000** be appropriated from the Historic Preservation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: e) That **\$100,000** be appropriated for Joey's Park Rehabilitation Recreation Project and to meet this appropriation, **\$100,000** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: f) That **\$147,000** be appropriated for Electric Service Upgrade – Underground Wiring, including improvement of underground wiring, and to meet this appropriation, **\$147,000** be appropriated from the Community Housing Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: g) That **\$385,000** be appropriated for Underwood Park Plan and Design and to meet this appropriation, **\$66,092.85** be appropriated from the Open Space/Recreation Reserve Account and **\$318,907.15** from the FY13 Budgeted Reserve of the Community Preservation Fund. *(Majority vote)*

MOVED: h) That **\$115,000** be appropriated for the Comprehensive Cultural Resources Survey of Belmont and to meet this appropriation, **\$14,092.85** be appropriated from the Historic Preservation Reserve Account and **\$100,907.15** from the FY13 Budgeted Reserve of the Community Preservation Fund. *(Majority vote)*

MOVED: i) That **\$100,000** be appropriated for the Preserving and Digitizing Belmont's Vital Records and to meet this appropriation, **\$100,000** be appropriated from the Historic Preservation Reserve Account of the Community Preservation Fund. *(Majority vote)*

Reporting: Warrant Committee and Capital Budget Committee

ARTICLE 27:

EASEMENT – OAKLEY DEVELOPMENT

MOVED: That the Town accept an easement over that area shown as "Easement Area for Public Use" at the intersection of Belmont Street and Oakley Road on Sheet 3 of 5 on the Site Plan for "Our Lady of Mercy," recorded at the Middlesex South District Registry of Deeds as Plan No. 867 of 2009, said easement to be granted by North Shore Construction &

Development to the Town of Belmont for use by the public, and consisting of 151 square feet, more or less. (Two-thirds vote)

Reporting: Warrant Committee

ARTICLE 28: UNDERWOOD POOL AND PLAYGROUND BUILDING COMMITTEE

MOVED: That the Town establish an Underwood Pool and Playground Building Committee for the purpose of constructing a new public swimming pool and related recreational facilities; to authorize the Town Moderator to appoint an Underwood Pool and Playground Building Committee to oversee the design and construction of said project; and to authorize said Underwood Pool and Playground Building Committee to enter into contracts and take all actions necessary to carry out the schematic level design. (*Majority vote*)

Reporting: Warrant Committee and Capital Budget Committee

ARTICLE 29: APPROPRIATION FOR UNDERWOOD POOL AND PLAYGROUND

MOVED: That the Town appropriate **\$385,000** to fund Project Design Services for the Underwood Pool and Playground, including the public swimming pool and related recreational facilities; including expenses related to this project; said sum to be raised from the Kendall School Fund and expended by the Underwood Pool and Playground Building Committee. (*Majority vote*)

Reporting: Warrant Committee and Capital Budget Committee

ARTICLE 30: ZONING BY-LAWS - INTERIM CONTROLS FOR MEDICAL MARIJUANA USES

MOVED: That under Article 30, the reading of the proposed amendment to the Town's Zoning By-Laws pertaining to a new Section 9.0 "Interim Controls for Medical Marijuana Uses" be dispensed with, the same being set forth in full under Article 30 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town amend the Zoning By-Laws of the Town of Belmont by inserting a new Section 9.0, 'Interim Controls for Medical Marijuana Uses' at the end of the Zoning By-Laws as set forth in full under Article 30 in the Warrant for this meeting. (*Two-thirds vote*)

Reporting: Planning Board.

ARTICLE 31: ZONING BY-LAWS - RELIGIOUS AND MUNICIPAL BUILDING PRESERVATION

MOVED: That under Article 31, the reading of the proposed amendment to Section 6.12 of the Town's Zoning By-Laws pertaining to "Religious and Municipal Building Preservation" be dispensed with, the same being set forth in full under Article 31 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town amend the Zoning By-Laws of the Town of Belmont by inserting a new Section 6.12, 'Religious and Municipal Building Preservation' at the end of Section 6, to provide for the preservation of religious and municipal buildings as set forth in full under Article 31 in the Warrant for this meeting. (*Two-thirds vote*)

Reporting: Planning Board.

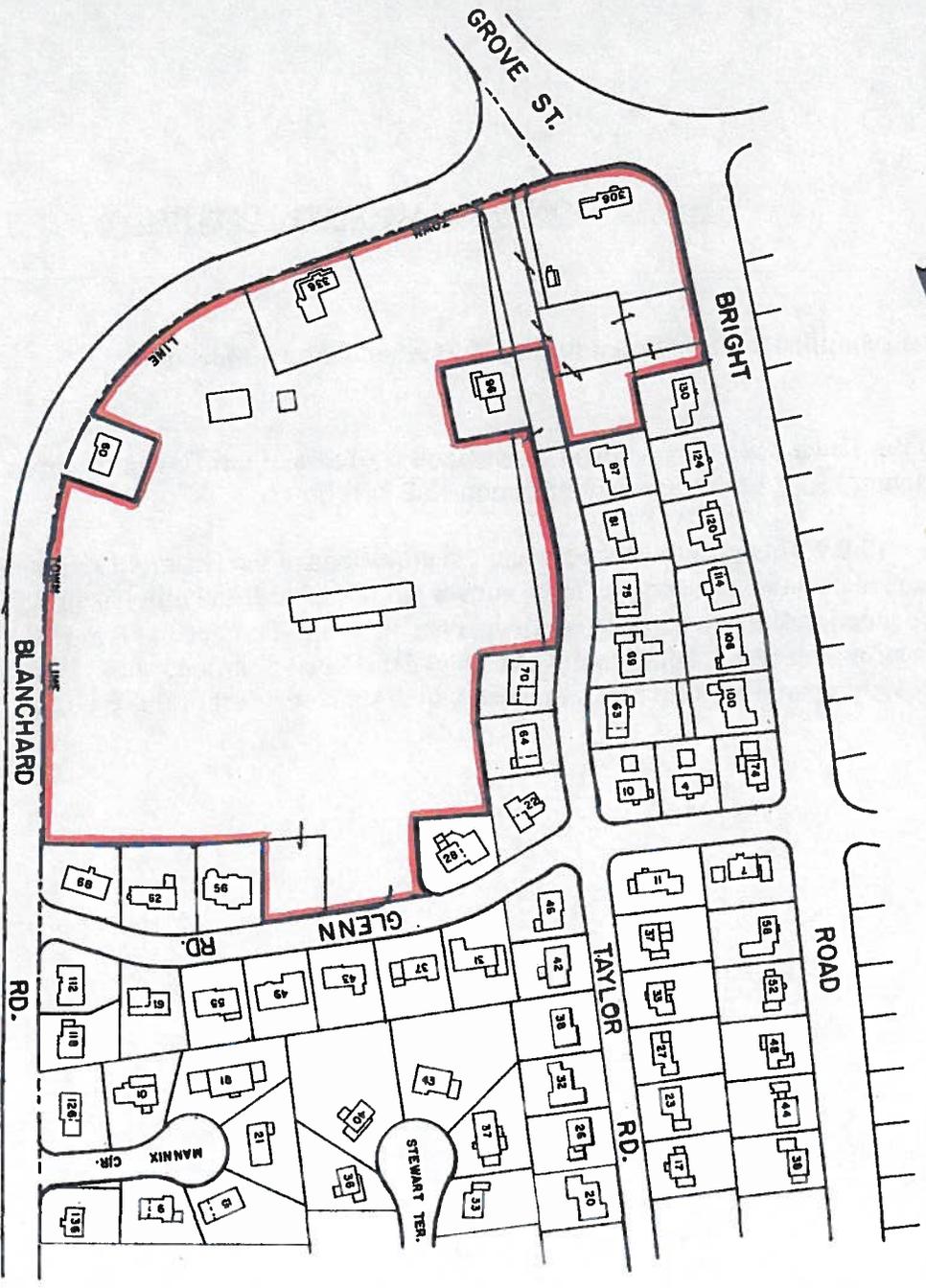
RICHARDSON FARM HISTORIC DISTRICT
(April 4, 2013)

Language submitted to the Warrant for the 2013 Annual Town Meeting

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by inserting a new Section 15.2.1 after the existing Section 15.2 as follows:

15.2.1 There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the Richardson Farm Historic District, bounded as shown on a map entitled, "Plan Showing Richardson Farm Historic District, Washington Street, Blanchard Road, and Glenn Road Belmont, Mass.," dated March 15, 2013, prepared by the Town Engineer, which shall be a part of this By-Law.

REGISTRY USE ONLY



CITY OF CAMBRIDGE

I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

PLAN FILED
TOWN CLERK'S OFFICE
DATE: 28 March 2013
Shirley A. Quinn
TOWN CLERK

APPROVED BY
BOARD OF SELECTMEN
DATE: _____

ACCEPTED BY
TOWN MEETING
DATE: _____
ARTICLE: _____
TOWN CLERK

APPROVED BY
PLANNING BOARD
DATE: MARCH 26, 2013

[Handwritten signatures]

PLAN SHOWING
RICHARDSON FARM HISTORIC DISTRICT
WASHINGTON STREET, BLANCHARD ROAD & GLENN ROAD
BELMONT, MASSACHUSETTS
SCALE: 1 INCH = 80 FEET MARCH 28, 2013

[Handwritten signature]
TOWN ENGINEER





**TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT**

Homer Municipal Building
19 Moore Street
Belmont, Massachusetts 02478

Telephone: (617) 993-2666 Fax: (617) 993-2651

TO: Members of Town Meeting
FROM: Planning Board
DATE: March 13, 2013

RE: Planning Board Recommendation on ARTICLE 17:
Creation of Richardson Farm Historic District

The Planning Board met on March 12, 2013, to discuss the creation of the Richardson Farm Historic District, a General By-Law proposed for the April 29, 2013, Annual Town Meeting.

The Richardson Farm Historic District is being proposed by the Historic District Commission (HDC) in conjunction with, Lydia Ogilby, the owner of the properties. A Study Committee of the HDC was formed to draft a report on the properties that would be included within the district.

Joseph Cornish, representing the HDC, met with the Planning Board on September 18, 2012, to discuss the Richardson Farm Historic District report. The report describes the architectural and historical significance of the three properties in the proposed district, two 18th Century residences at 306 and 336 Washington Street and a 17th Century working farm at 34 Glenn Road. According to the report, these properties represent unique parts of Belmont's architectural history and constitute the last remaining 17th Century working farm in Belmont.

The Planning Board discussed the creation of the Richardson Farm Historic District and agreed to recommend adoption of the District by Town Meeting. The Board agrees that the properties involved warrant the designation of a Historic District given their historical significance to the Town, but particularly because the owner is advocating for her property to be established as this Historic District and to preserve an important part of Belmont's heritage.

Thank you

Cc: Historic District Commission



TOWN OF BELMONT

460 CONCORD AVENUE
P.O. BOX 130
BELMONT, MASSACHUSETTS 02478-0002

POLICE DEPARTMENT



TELEPHONE
(617) 484-1215

RICHARD J. McLAUGHLIN
CHIEF OF POLICE

To: Town Meeting Members

From: Police Chief Richard J. McLaughlin *RJM*

Date: April 11, 2013

Subject: Warrant Articles Submitted by the Police Department

Please be advised, the Police Department has submitted two articles, to the Warrant, Article 19 and Article 22, for review and consideration by the 2013 Annual Town Meeting.

In reference to Article 19, Amend General By-Laws: Police Chief (4.8.2), this change in the By-Law is to update the By-Law, to be compatible with the change that was voted by Town Meeting, resulting in a Special Act of the Legislature in 2010 which deal with the Authority of the Police Chief.

In reference to Article 22, (New General By -Law: Article 36)- Criminal History Checks for Certain Licenses, Permits and Registrations, this new Article is being brought forth because the Town of Belmont, through its boards and officers, has the authority to issue licenses, permits, or registrations that allow a person to carry on certain occupations. A state law became effective last year that added a new one: ice cream truck vendor, an occupation that now requires a permit issued by a city or town's Chief of Police. The law and associated state regulations requires the Chief of Police to investigate an applicant's criminal history by making a "national criminal history records check as authorized by M.G.L. c.6, Section 127B½" before issuing or denying an ice cream truck vendor permit.

To conduct this kind of check, the state and federal governments require the Police Chief to act pursuant to a local law authorizing such checks. These checks must be made by submitting to the State Police

and the FBI the applicant's fingerprints rather than by submitting just a name and date of birth. A fingerprint-based check will return the applicant's criminal records from all the states that contribute records to the FBI's database. (Currently, applicants for licensed occupations may be checked, at most, for criminal records in Massachusetts alone, perhaps missing serious crimes in other states.)

Following review of these records the Police Chief or his designee, with public safety and the protection of children in mind, may decide whether the applicant is suitable for an ice cream vendor permit. State law permits a town to set a fee for this check, a portion of which (currently \$30.00) must be paid over to the state. The Police Department would keep the remainder (\$70.00) to compensate the Town for the time used by police personnel in taking and submitting the fingerprints, reviewing and making recommendations on the records returned, and related clerical work.

The Town must take this action to allow the Police Chief to comply with this new statutory duty to issue ice cream truck vendor permits. As Police Chief of Belmont, I recommend conducting national criminal history checks on the applicants for certain other occupations as well in the best interest of public safety and protection. These occupations are:

- Hackney Driver, - seclusion and control of location a taxi driver has over people who are often elderly, challenged with a disability, foreign visitors to the area, or under the influence of alcohol.
- Dealer in Second-Hand Articles and Pawnbrokers,- use by burglars and thieves of unethical practices as a source of cash for stolen goods.
- Door to Door Salespersons, - access to homes used by criminally-inclined salespersons to steal valuables and prescription drugs or commit assaults.

In the case of occupational licenses or permits issued by the Board of Selectmen, the Police Department would conduct the checks and provide a recommendation to the Selectmen for their final action by the Board.

References: General Laws Chapter 270, section 25 (Ice Cream Truck Vending), 510 Code of Massachusetts Regulations 15.00 *et seq.* (Permitting of Ice Cream Truck Vendors), General Laws Chapter 6, section 172B½ (Local fingerprint submission requirement for applicants for licenses).

BELMONT HISTORIC DISTRICT COMMISSION

April 9, 2013

Dear Town Meeting Members,

At the Annual Town Meeting, the Historic District Commission and the Planning Board will co-sponsor a Demolition Delay Bylaw for Town Meeting approval. On behalf of the HDC we are writing to ask for your support for the bylaw.

A copy of the bylaw and a list of Frequently Asked Questions are also attached herein.

We believe we have crafted a bylaw that will help Belmont to maintain the character of our community while, at the same time, allow for growth. This bylaw responds directly to the community's questions and suggestions regarding our first draft, by creating a specific list of 206 properties that would be potentially affected by the bylaw and thus shortening the period to determine if a specific building is "Preferably Preserved."

Here are a few important facts to consider:

- Belmont is the only community within twenty-one surrounding communities without a demolition delay bylaw.
- Demolition Delay does not prohibit demolition; it temporarily pauses it to look at alternative solutions for the most important historic buildings in the community.
- Enactment of a demolition delay bylaw was one of the key strategies outlined in the 2010 Comprehensive Plan.
- The demolition delay bylaw will not stifle commercial development nor have a negative impact on growth. The Historical Commission has reached agreement with the Planning Board that the current proposed development in Cushing Village will not be impacted by the bylaw.
- Preservation of historic buildings adds to the economic value of communities. Studies have shown that historic preservation leads to sustained property values, economic growth, and a higher quality of life than areas without historic assets.

Belmont has made some important decisions in recent years to protect some of its historic buildings. The Homer Building, Central Fire Station, Waverley Fire Station, Harvard Lawn Fire Station, and the Benton Library are wonderful examples of preservation and adaptive reuse of historic municipal buildings. And, Belmont's passage of the Community Preservation Act (CPA) will help to provide resources for additional preservation.

However, there is more work to be done. There are no preservation tools for the vast majority of historic buildings in Belmont, as we recently witnessed with the demolition of the 1870 Gothic Revival Waverley Congregational Church, Belmont's oldest church. Passage of this bylaw will bring Belmont in line with the majority of communities in our region who value preservation and use well-reasoned and practiced tools.

Please join us in support of this important community preservation tool.

Thank you, and please don't hesitate to write or call us or any members of the Historic District Commission, if you have questions, comments or suggestions.

Sincerely,
Michael Smith, Co-Chair
Joseph Cornish, Co-Chair

BELMONT HISTORIC DISTRICT COMMISSION

Belmont's Demolition Delay Bylaw – Frequently Asked Questions

1. What is a Demolition Delay Bylaw?

A Demolition Delay Bylaw affords public review of demolition permit applications for historically significant buildings, and can invoke a delay period before the demolition of such buildings may commence. 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, the opportunity to temporarily postpone the demolition of a Preferably Preserved building often has a positive outcome.

2. What buildings are affected by this bylaw?

The Demolition Delay Bylaw applies to buildings that are on the list of "Belmont's Significant Historic Buildings Not Protected by Local Historic District Designation". The list was prepared by the HDC from a list of buildings on the National Register of Historic Places and 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 that list. If a demolition permit is applied for a building on the list, the HDC will hold a Public Hearing to gain public input and determine if the building is Preferably Preserved. Historic buildings already protected through Local Historic District designation are not on the list, nor are state buildings or historic buildings owned by the Town of Belmont.

3. 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. One hundred thirty-two (132) communities in Massachusetts have a Demolition Delay Bylaw.

4. Why is this Bylaw being proposed now?

Implementation of a Demolition Delay Bylaw was a key goal of Belmont's 2010 Comprehensive Plan. Since completion of the Comprehensive Plan, the Historic District Commission has researched the demolition delay topic and crafted a bylaw that it feels best serves Belmont. This current bylaw also responds to community concerns raised by the previous version of the bylaw as well consensus accomplished with the Planning Board and the Board of Selectman.

5. What is the Public Review Process for properties subject to the Demo Delay Bylaw?

- Once a demolition permit is filed for a building on the list of "Belmont's Significant Historic Buildings Not Protected by Local Historic District Designation", the Inspector of Buildings must notify the HDC within 7 days.
- After receiving the notification from the Inspector of Buildings the HDC will hold a Public Hearing within 35 days to gain public input and to determine if the building is Preferably Preserved. If the building is determined to be not Preferably Preserved, an HDC representative will sign the demolition permit. If the building is determined to be Preferably Preserved, the HDC must notify the Inspector of Buildings within 10 days following the Public Hearing.
- If the property is determined Preferably Preserved, the provisions of the Bylaw take effect, including a maximum period of 6 months before a demolition permit can be issued for residential properties and 12 months for all others (e.g. religious, commercial, institutional properties).

BELMONT HISTORIC DISTRICT COMMISSION

6. 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 properties has been reduced significantly. Regardless of the required delay period, the HDC will work with all landowners to meet the intent of the Bylaw in the shortest amount of time possible.

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 Cushings Square, which is part of a development project that is currently in design review. 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. 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 Commission.

9. How does this Bylaw affect the value of my property?

The Bylaw should not adversely affect the value in any way. In fact, studies have shown that retaining and rehabilitating historic or architecturally significant structures actually increases the value of real estate.

GUIDELINES FOR SENIOR WORK-OFF PROGRAM

PRIMARILY BASED ON THE TAX DEFERRAL (CL. 41A)

A. FY2013 Income and Age Qualifications:

For Cl. 41A and Senior Work-Off Program unless otherwise noted.

1. Income cannot exceed \$53,500. This amount is calculated using the Tax Year Circuit Breaker amount multiplied by the COLA; both are set by the Massachusetts Department of Revenue on an annual basis.
2. The applicant must be at least 65 years of age on July 1 of the fiscal year for the Tax Deferral.
The applicant must be at least 60 years of age on July 1 of the fiscal year for the Senior Work-Off Program. E.g., an applicant may be 59 when completing the work, but they must be 60 on the July 1 of the fiscal year for which they receive the exemption.

B. Ownership and Domicile:

For Cl. 41A and Senior Work-Off Program unless otherwise noted.

1. Applicant must own and occupy the property in Belmont as their domicile.
- *2. Applicant must have had a domicile in Massachusetts for at least 10 consecutive years before the tax year begins.
- *3. Applicant must have owned and occupied the property, or any other property in Massachusetts, as a domicile for at least 5 years.
- *4. If the applicant's domicile is held in a trust, the applicant would be requested to provide copies of the recorded trust documents in order for Town Counsel to determine eligibility of the exemption.

C. Documentation:

Senior Work-Off Program: copies of tax returns are required unless already on file with the Board of Assessors.

D. Applications:

1. Cl. 41A:
 - a. Applications must be filed each year, and
 - b. Applications are due December 15 or three months after the actual tax bills are mailed.
2. Senior Work-Off Program:
 - a. Applications must be filed each year, and
 - b. Seniors can accrue working hours from right after the actual tax bill is mailed and 45 days prior to the issuing of the first actual tax bill.

*Items 2, 3 and 4 under Section B may be waived by the Board of Assessors.

E. Process:

1. Cl. 41A – Contact the Assessors' Office at 617-993-2630. There is another form required at initial application, so please contact the Assessors' Office.
2. Senior Work-Off Program
 - File application with the Council on Aging.
 - Applicant must check off one of two boxes (yes or no) to the question - "Has the applicant submitted a Cl. 41A application to the Assessors' Office for the current fiscal year?"
 - ✓ If the answer is "yes" - the Council on Aging will contact the Assessors' Office to verify that the applicant has filed for a Cl. 41A and may either: 1) request a copy of the required documentation, or 2) verify that the applicant meets the income and age requirements.
 - ✓ If the answer is "no" - the applicant must meet the qualifications (see A and B) and must provide the required documentation (see C) with the application submitted to the Council on Aging.

NUMBER OF SENIOR WORK-OFF EXEMPTIONS GRANTED IN LAST 6 YEARS:

FY	#	@	TOTAL	Notes
2013	16	\$750	\$11,288	3 volunteers did not work maximum hours allowed
2012	15	\$750	\$11,250	All volunteers worked maximum hours allowed.
2011	12	\$750	\$9,000	All volunteers worked maximum hours allowed.
2010	11	\$750	\$8,250	All volunteers worked maximum hours allowed.
2009	12	\$750	\$9,000	All volunteers worked maximum hours allowed.
2008	12	\$750	\$9,000	All volunteers worked maximum hours allowed.

OVERLAY ACCOUNT:

The Senior Work-Off Program has been paid through the Overlay Account.

PAYMENTS:

Effective FY2009, payments made through payroll. Previously, payments were applied to the real estate tax bills.

Provided by the Board of Assessors

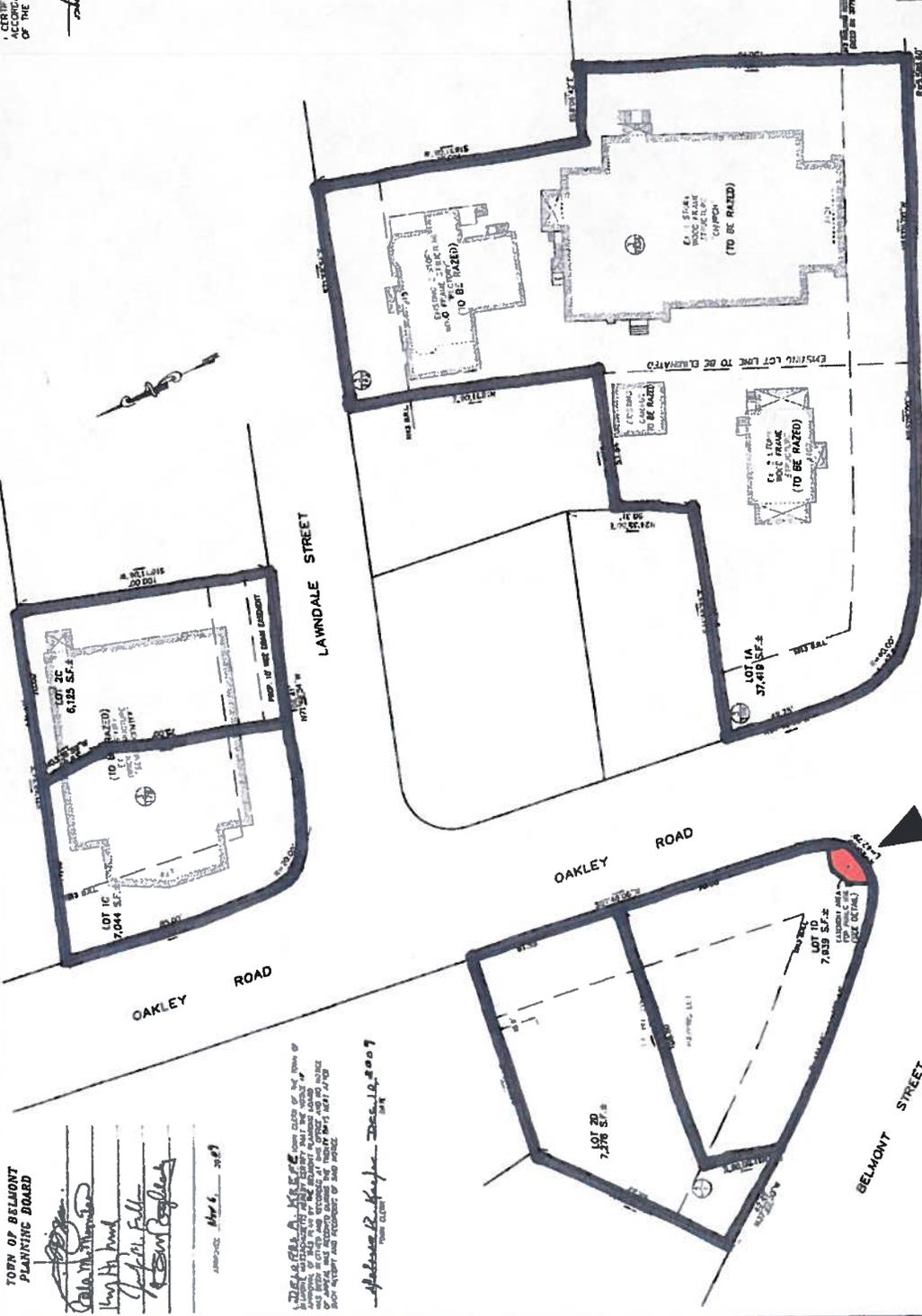
ARTICLE 27 Easement: Oakley Development

TOWN OF BELMONT
PLANNING BOARD

[Signatures]
 APPROVED: *[Signature]* May 6, 2009

DELORESA KASPE
 OWNER

APPROVED: *[Signature]* May 12, 2009



Easement Area

NO.	DATE	REVISIONS
1	10/10/08	NO CHANGES TO THIS SHEET
2	11/10/08	PUBLIC EXHIBIT ADDED
3	12/02/08	NO CHANGES TO THIS SHEET
4	1/22/09	SEC. CHANGES
5	1/22/09	SEC. CHANGES
6	1/22/09	SEC. CHANGES
7	1/22/09	SEC. CHANGES
8	1/22/09	SEC. CHANGES
9	1/22/09	SEC. CHANGES
10	1/22/09	SEC. CHANGES

CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE RECORDING OFFICE
 10-909
 DATE

INDEX:
 1. THE TOWNSHIP, SIZE OF LOTS, & SURFACE IMPROVEMENTS SHOWN ON THIS PLAN SHALL BE AS SHOWN ON THE RECORDING OFFICE'S RECORDS.
 2. THE LOTS INDICATED BY DASHED LINES ARE LOCATED IN ZONING DISTRICT "SMALL" IN ZONING "L".
 3. THE LOTS INDICATED BY DASHED LINES ARE LOCATED IN ZONING DISTRICT "SMALL" IN ZONING "L".
 4. THE LOCATION OF ALL IMPROVEMENTS (LOT LINES, DRIVEWAYS, AND UTILITIES) SHALL BE AS SHOWN ON THE RECORDING OFFICE'S RECORDS.
 5. THIS PLAN DOES NOT SHOW ANY IMPROVEMENTS OR UTILITIES EXCEPT AS SHOWN ON THE RECORDING OFFICE'S RECORDS.
 6. THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS HAS REVIEWED THIS PLAN AND DOES NOT CONTRIBUTE A WARRANTY FOR THE SUCH IMPROVEMENTS ETC.
 7. THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS HAS REVIEWED THIS PLAN AND DOES NOT CONTRIBUTE A WARRANTY FOR THE SUCH IMPROVEMENTS ETC.
 8. THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS HAS REVIEWED THIS PLAN AND DOES NOT CONTRIBUTE A WARRANTY FOR THE SUCH IMPROVEMENTS ETC.
 9. THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS HAS REVIEWED THIS PLAN AND DOES NOT CONTRIBUTE A WARRANTY FOR THE SUCH IMPROVEMENTS ETC.
 10. THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS HAS REVIEWED THIS PLAN AND DOES NOT CONTRIBUTE A WARRANTY FOR THE SUCH IMPROVEMENTS ETC.

INTEGRAL OF PUBLIC USE EASEMENT
 SCALE: 1" = 10'
 GRAPHIC SCALE
 0 10 20 30 40 50
 FEET

"OUR LADY OF MERCY"
 LOTTING PLAN OF LAND
 LOCATED IN
 BELMONT, MASSACHUSETTS
 (MIDDLESEX COUNTY)
 PREPARED FOR
 NORTH SHORE CONSTRUCTION & DEVELOPMENT, INC.
 SCALE: 1" = 20' DATE: APRIL 13, 2008
 PREPARED BY
 SULLIVAN ENGINEERING GROUP, LLC
 22 MOORE WENDE ROAD
 BELMONT, MASSACHUSETTS
 (781) 326-1871
 SHEET No. 3 OF 21

867 OF 2009 (3 OF 5)
 Easement Area for Public Use
 151 Square Feet

Cushman, Ellen

From: TownClerk
Sent: Friday, April 26, 2013 6:55 PM
To: TownClerk
Cc: Cushman, Ellen
Subject: For Belmont Town Meeting Members - Amendments filed for 2013 Annual Town Meeting and Planning Board Memo

Attachments: 2013-4-29 Amendments filed for ATM with Town Clerk.pdf; 2013-4-29 Memo from Planning Board - Article 30 & 31.pdf

You have received this message because you are currently a Belmont Town Meeting Member

Attached please find the Amendments that have been filed for the Annual Town Meeting that begins Monday, April 29th. These amendments are the only ones that have complied with the deadline for the Monday, April 29th and Wednesday, May 1st sessions. Note that this attachment is 35 pages, and contains some pages with redline color to make reviewing the proposed changes easier, though the edits will be very apparent if printed only in black ink.

Amendments filed with the Town Clerk by Deadline for Annual Town Meeting (Organized by Article #)

Articles 16, 17, 18, 19, 20, 21, 22, 23 – General By-Laws
By-Law Review Committee and Town Counsel on advice of Attorney General

Article 13 - Town Administrator
Board of Selectmen
David Alper
Matthew Lowrie

Article 18 - Residential Snow Removal
Ralph Jones, Selectmen
Roy Epstein, Precinct 6
By-Law Review Committee

Article 21 – Demolition Delay
By-Law Review Committee (amendment, final, redline)
Robert McGaw, Precinct 1

Article 22 – Criminal History Checks for Certain Licenses
By-Law Review Committee

Article 23 – Stormwater Management
By-Law Review Committee (amendment, final, redline)
Robert McGaw, Precinct 1

Article 26 – Community Preservation Committee – Projects
Floyd Carman, Treasurer

Article 28 – Underwood Pool and Playground Building Committee
Mark Paolillo, Selectmen

Also attached regarding:
Articles 30, 31 – A Memo from the Planning Board

Only a limited number of printed copies of this document and the Warrant packet that was previously

distributed will be available at Town Meeting for Town Meeting Members and members of the public.

Town Meeting begins **Monday, April 29th at 7 pm, at the Belmont High School Auditorium**. Please be certain to arrive with enough time to complete the sign-in process prior to 7 pm.

Once again, please check your calendar and mark the dates that have been reserved for the Annual and Special Town Meeting: April 29, May 1, 6, 8, 29 (Special) , June 3, 5

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

**Amendments filed with the Town Clerk by Deadline
for Annual Town Meeting (Organized by Article #)**

**Articles 16-23 – General By-Laws
By-Law Review Committee**

**Article 13 - Town Administrator
Board of Selectmen
David Alper
Matthew Lowrie**

**Article 18 - Residential Snow Removal
Ralph Jones, Selectmen
Roy Epstein, Precinct 6
By-Law Review Committee**

**Article 21 – Demolition Delay
By-Law Review Committee (amendment, final, **redline**)
Robert McGaw, Precinct 1**

**Article 22 – Criminal History Checks for Certain Licenses
By-Law Review Committee**

**Article 23 – Stormwater Management
By-Law Review Committee (amendment, final, **redline**)
Robert McGaw, Precinct 1**

**Article 26 – Community Preservation Committee – Projects
Floyd Carman, Treasurer**

**Article 28 – Underwood Pool and Playground Building Committee
Mark Paolillo, Selectmen**

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**Amendments filed with the Town Clerk by the April 24, 2013 4 pm Deadline
for Annual Town Meeting (Organized by Article #)**

Please note: The By-Law Review Committee, in consultation with Town Counsel, intends to offer the following amendment language for each of the Articles involving the General By-Laws, specifically in each of the following Articles: 16, 17, 18, 19, 20, 21, 22, 23:

“ ... 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”

Article 13 – Special Act – Town Administrator
Amendment to the Main Motion offered by the Board of Selectmen

Moved: to amend the Main Motion under Article 13 in Section 2, first sentence, delete the word "policy." Section 2 would then read: "Under the direction of the Board of Selectmen, ..."

And , under Article 13 by inserting, after the phrase "substantially in the form as set forth in full under Article 13 in the Warrant for this meeting" the following: "except that Section 7 should be renumbered as Section 8, and a new Section 7 should be inserted as follows:

"Section 7. Notwithstanding the other provisions of this act, this act shall not apply to the light plant, its general manager, its employees and the operations of the light plant, all of which shall remain subject to chapter 164 of the general laws, as in effect from time to time."

Article 13 – Special Act – Town Administrator
Amendment to the Main Motion offered by David Alper, Vice Chair, Belmont Board of Health, Precinct 6 Town Meeting Member

I move to amend **Article 13, section 3** as follows:

- 1) After the words **"(e) the Superintendent and employees of the School Department"** strike the word **"and"**.
- 2) After the words **"(f) the Town Accountant"** add the phrase **"and (g) the Health Director and employees of the Health Department."**

Article 13 – Special Act – Town Administrator
Amendment to the Main Motion offered by Matthew Lowrie, Chair Board of Library Trustees, Precinct 7 Town Meeting Member

Amend **Article 13, section 3** as follows:

- 1) After the words **"(e) the Superintendent and employees of the School Department"** strike the word **"and"**.
- 2) After the words **"(f) the Town Accountant"** add the phrase **"and (g) the Director and employees of the Belmont Public Library".."**

Article 18 - Residential Snow Removal
Amendment offered by Ralph Jones, Member of the Board of Selectmen

Moved: That Article 18, Amendment to the General By-Laws – Residential Snow Removal, be dismissed

Explanation:
It is the intention of the Board of Selectmen to dismiss this article for the Annual Town Meeting, and to submit a new article that incorporates the proposed amendments that have been offered, for the warrant for the Special Town Meeting to be held May 29th.

Article 18 - Residential Snow Removal
(2) Separate Amendments offered by Roy Epstein, Precinct 6 Town Meeting Member

1. Moved: That Section 20.15.3 be amended to insert an additional sentence at end of the paragraph, as follows: " An exemption granted pursuant to such rules and regulations shall not apply on occasions when any portion of the exempted property has been cleared of snow to allow vehicular access from the street.

2. Moved: That Section 20.15.4 be amended to change "\$100" to "written warning".

Article 18 – Residential Snow Removal
Amendment offered by the By-Law Review Committee

Moved: That in 20.16, the word "and" be deleted before the phrase "of this Article 20"

Article 21 – Demolition Delay
By-Law Review Committee (amendment, final, redline)

Article 21 - Demolition Delay
Amendment offered by By-Law Review Committee

ARTICLE 21: GENERAL BY-LAWS – DEMOLITION DELAY

Moved: To amend Article 21 by substituting for the text of Article 21 as printed in the warrant, the text as set forth in the document labeled "Substitute Motion for Article 21 -Text After By-Law Review Committee Amendment" that was distributed to Town Meeting Members.

SUBSTITUTE MOTION FOR ARTICLE 21
-Text After By-Law Review Committee Amendment

ARTICLE 35
Demolition Delay

35.1 Intent and Purpose

This Article 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 Article, 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 Article 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.

35.2 Definitions

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

- (a) **APPLICANT** – Any person or entity that files an Application for a Demolition Permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate, on or with the Application, his/her assent to the filing of the Application.
- (b) **APPLICATION** – An Application for a Demolition Permit, including the information required in Section 35.3.2.
- (c) **BUILDING** – A roofed Structure enclosing useful space. .
- (d) **COMMISSION** – The Belmont Historic District Commission.
- (e) **DEMOLITION** – The removal or dismantling of existing construction, in whole or in part, with or without the intent to replace the construction so affected. For the purposes of this Article , the term “Demolition” shall not include routine maintenance, interior renovations, removal or construction of porches, decks, windows 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) **INVENTORY** – A list, entitled *Belmont's Significant Historic Buildings Not Protected By Local Historic District Designation*, to be kept on file in the Town Clerk's office as

it may be amended pursuant to Section 35.4.2 of this Article. The Inventory shall be made available to the public.

- (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 Inventory.
- (k) STRUCTURE – Anything constructed or erected, the use of which requires fixed location on the ground.

35.3 Procedure

35.3.1 No Demolition Permit for a Significant Building shall be issued until the provisions of this Article have been satisfied.

35.3.2 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.

35.3.3 The Inspector of Buildings shall, within seven (7) days of receipt of such Application, forward a copy thereof to the Commission.

35.3.4 Within thirty-five (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 (7) 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 fourteen (14) days prior to the hearing date.

35.3.5 Within ten (10) days of the first date of such Public Hearing, the Commission shall provide written notification to the Inspector of Buildings and the Applicant as to its determination of 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 later 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.

35.3.6 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.

35.3.7 If the Commission determines that the Significant Building is a Preferably Preserved Building, a Demolition Permit may thereafter be issued no sooner than six (6) months for residential buildings and twelve (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 Article, as provided in Section 1 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.

35.3.8 In computing any period of time prescribed in this Article, 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.

35.4 Administration

35.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article, but may not increase the length of the delay period stated herein.

35.4.2 The Commission may add Buildings to or remove Buildings from the Inventory upon a determination as to whether the Building is historically significant made by a majority vote of the Commission's members following a public hearing held at least thirty (30) days prior to such vote. Owners of record of Buildings proposed for such listing or removal shall receive written notice of the time and place of the public hearing no less than fourteen (14) days in advance thereof. 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 (7) days prior to the date of said hearing.

35.5 Responsibility of Owners

35.5.1 The owner of a Significant Building who has applied for a Demolition Permit 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 within the bounds of this Bylaw;
- Allow exterior access to the property on which the Significant Building is located, as reasonably requested by the Commission;
- Secure the Significant Building, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;
- Participate in the investigation of preservation options for a Preferably Preserved Building; and
- Cooperate with the Commission and any interested parties in seeking alternatives to the Demolition of a Preferably Preserved Building.

35.5.2 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,

which shall be considered a voluntary Demolition in violation of this Article if such destruction could have been prevented by the required security measures.

35.6 Emergency Demolition

35.6.1 Nothing in this Article 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.

35.6.2 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.

35.7 Enforcement and Remedies

35.7.1 The Commission and/or 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 Article or to prevent a threatened violation thereof.

35.7.2 Any owner of a Significant Building that is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article shall be subject to a penalty of Three Hundred Dollars (\$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. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in M.G.L. c.40, §21D.

35.7.3 If a Significant Building is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, 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 (2) years from the date of the Demolition, unless agreed to by the Commission.

35.8 Severability

If any provision of this Article shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 35.1.

**Article 21 – Demolition Delay
By-Law Review Committee (amendment, final, redline)**

ARTICLE 21: GENERAL BY-LAWS - DEMOLITION DELAY

Redline changes - Amendment to the Main Motion offered by the By-Law Review Committee

**ARTICLE 35
Demolition Delay**

35.1 Intent and Purpose

This Article 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 Article, 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 Article 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.

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35.2 Definitions

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

- (a) APPLICANT – Any person or entity that files an Application for a Demolition Permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate, on or with the Application, his/her assent to the filing of the Application.
- (b) APPLICATION – An Application for a Demolition Permit, including the information required in Section 35.3.2.
- (c) BUILDING – A roofed Structure enclosing useful space.
- (d) COMMISSION – The Belmont Historic District Commission.
- (e) DEMOLITION – The removal or dismantling of existing construction, in whole or in part, with or without the intent to replace the construction so affected. For the purposes of this Article, the term "Demolition" shall not include routine maintenance, interior renovations, removal or construction of porches, decks, windows 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.

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Deleted: Any Structure used or intended for supporting or sheltering any use or occupancy

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(h) INVENTORY – ~~A list, entitled Belmont's Significant Historic Buildings Not Protected By Local Historic District Designation, to be kept on file in the Town Clerk's office as it may be amended pursuant to Section 35.4.2 of this Article. The Inventory shall be made available to the public.~~

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(i) PREFERABLY PRESERVED BUILDING – Any Significant Building ~~that the Commission determines, following a public hearing, should be preserved or rehabilitated rather than demolished.~~

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(j) SIGNIFICANT BUILDING – A Building that is listed on the Inventory.

(k) STRUCTURE – ~~Anything constructed or erected, the use of which requires fixed location on the ground,~~

Deleted: Any constructed, erected or placed material or combination of materials in or upon the ground, excluding sidewalks, stairs and paving on streets, driveways, parking areas, and patios.

35.3 Procedure

35.3.1 No Demolition Permit for a Significant Building shall be issued ~~until the provisions of this Article have been satisfied.~~

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35.3.2 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.

35.3.3 The Inspector of Buildings shall, within seven (7) days of receipt of such Application, forward a copy thereof to the Commission.

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35.3.4 ~~Within thirty-five (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 (7) 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 fourteen (14) days prior to the hearing date.~~

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35.3.5 Within ten (10) days of the first date of such Public Hearing, the Commission shall provide written notification to the Inspector of Buildings and the Applicant as to its determination of 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 later 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.~~

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35.3.6 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.

35.3.7 If the Commission determines that the Significant Building is a Preferably Preserved Building, a Demolition Permit may thereafter be issued no sooner than six (6) months for residential buildings and twelve (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 Article, as provided in Section 1 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.

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35.4 Administration

35.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article, but may not increase the length of the delay period stated herein.

35.4.2 The Commission may add Buildings to or remove Buildings from the Inventory upon a determination as to whether the Building is historically significant made by a majority vote of the Commission's members following a public hearing held at least thirty (30) days prior to such vote. Owners of record of Buildings proposed for such listing or removal shall receive written notice of the time and place of the public hearing no less than fourteen (14) days in advance thereof. 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 (7) days prior to the date of said hearing.

35.5 Responsibility of Owners

35.5.1 The owner of a Significant Building who has applied for a Demolition Permit 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 within the bounds of this Bylaw;
- Allow exterior access to the property on which the Significant Building is located, as reasonably requested by the Commission;
- Secure the Significant Building, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;

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- Participate in the investigation of preservation options for a Preferably Preserved Building; and
- Cooperate with the Commission and any interested parties in seeking alternatives to the Demolition of a Preferably Preserved Building.

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35.5.2 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, which shall be considered a voluntary Demolition in violation of this Article if such destruction could have been prevented by the required security measures.

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35.6 Emergency Demolition

35.6.1 Nothing in this Article 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.

35.6.2 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.

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35.7 Enforcement and Remedies

35.7.1 The Commission and/or 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 Article or to prevent a threatened violation thereof.

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35.7.2 Any owner of a Significant Building that is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article shall be subject to a penalty of Three Hundred Dollars (\$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. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in M.G.L. c., 40, §21D,

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35.7.3 If a Significant Building is voluntarily demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, 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 (2) years from the date of the Demolition, unless agreed to by the Commission.

35.8 Severability

If any provision of this Article shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 35.1.

Article 21 - Demolition Delay

Amendment offered by Robert McGaw, Town Meeting Member Precinct 1

Amend the Proposed Article 21 of the Warrant by adding the following Section 35.4.3 in the proposed Article 35:

35.4.3 Notice to Owners of Significant Buildings; Exclusions. This Article 35 shall not be effective until 90 days after the Commission shall have filed with the Town Clerk a certificate that the Commission has by certified mail return receipt requested, sent the written notice described below to each assessed owner of record of the properties listed in the Inventory. The written notice shall enclose a copy of this Article 35 and shall expressly state that the owner has 60 days after receipt of the notice to elect to have the owner's property excluded from the Inventory, such election to be accomplished by mailing or delivering to the Town Clerk a letter signed by the owner (or the owner's representative or attorney) stating such election. Thereafter, the Commission shall re-issue the Inventory, excluding from the Inventory all properties that owners duly elected to exclude.

Article 22 - Criminal History Checks for Certain Licenses

Amendment offered by the By-Law Review Committee

Moved: that the Main Motion under Article 22 be amended by substituting the following:

In 36.2 Definitions: the word "article" shall be substituted for the word "by-law"

In 36.3.1 Occupations subject to a criminal history check:

The words "Police Chief" shall be substituted for the words "Chief of Police"

The words "Registered Solicitor" shall be substituted for the words "Door to Door Salesperson"

The words "Taxicab Driver" shall be substituted for the words "Hackney Driver"

In 36.8: The title "Severability" shall be substituted for the title "Collection and disbursement of fee"

Article 23 - Stormwater Management and Erosion Control
Amendment offered by By-Law Review Committee

ARTICLE 23: GENERAL BY-LAWS - STORMWATER MANAGEMENT AND EROSION CONTROL

Moved: To amend Article 23 by substituting for the text of Article 23 as printed in the warrant, the text as set forth in the document labeled "Substitute Motion for Article 23 -Text After By-Law Review Committee Amendment" that was distributed to Town Meeting Members.

**SUBSTITUTE MOTION FOR ARTICLE 23
-Text After By-Law Review Committee Amendment**

ARTICLE 34

Stormwater Management and Erosion Control By-Law

34.1 Purposes

The purposes of this By-Law are:

- (a) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System (MS4);
- (b) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections
- (c) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (d) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (e) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff,
- (f) To promote infiltration and the recharge of groundwater;
- (g) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and
- (h) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

34.2 Definitions

For the purposes of this By-Law, the following definitions shall apply:

ALTERATION — Any activity, that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, earthmoving, paving, and modification of existing vegetation.

BEST MANAGEMENT PRACTICES (BMPs) — Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT — The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

DEVELOPMENT – The alteration of land to accommodate a new use or an expansion or modification of an existing use.

HAZARDOUS MATERIAL - Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under *M.G.L. c.21C* and *c. 21E*, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLICIT CONNECTION - A surface or subsurface drain or conveyance that allows an illicit discharge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLICIT DISCHARGE - Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Section 34.5.3. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE — Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

MAINTENANCE OF EXISTING LANDSCAPING, GARDENS OR LAWN AREAS – The act of trimming, pruning, mowing or edging existing vegetation.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM) — The system of conveyances, owned or operated by the Town of Belmont, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NONPOINT SOURCE POLLUTION - Any water pollution having a source that is not a "point source."

NON-STORMWATER DISCHARGE — A discharge into the MS4 that is not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN - A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OCD – Town of Belmont Office of Community Development

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE - Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT - Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) Pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

RECHARGE — The process by which groundwater is replenished by precipitation.

RUNOFF - The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM - A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

STORMWATER - Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT — The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT — A permit issued by the Town of Belmont Office of Community Development, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT STANDARDS — The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection or any successor agency,, as such Standards and Handbooks may be hereafter superseded or amended.

VEGETATION – Trees, shrubs, bushes and ground cover, including grass.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

34.3 Administration

34.3.1 The Board of Selectmen shall adopt, and may periodically amend, rules and regulations relating to the requirements, procedures, administration and enforcement of this By-Law, after conducting a public hearing to receive comments on any proposed rules and regulations.

34.3.2 The OCD shall be responsible for the day-to-day administration of this By-Law and shall be the Stormwater Management and Erosion Control Permit Granting Authority.

34.3.3 The OCD shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

34.4 Permit Process

34.4.1 A completed application for a Stormwater Management and Erosion Control Permit shall be filed with the OCD. A permit shall be obtained prior to the commencement of any work regulated by this By-Law.

34.4.2 Some permit applications may require the OCD to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of this By-Law. These services shall be paid for by the Applicant prior to the issuance of the Stormwater Management and Erosion Control Permit.

34.4.3 The OCD shall take final action on an application for a Stormwater Management and Erosion Control Permit within thirty (30) days from the receipt of a complete application. The OCD may approve the application; approve the application with conditions; or disapprove the application. Failure by the OCD to take final action on an application within 30 days following the receipt of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the OCD and applicant.

34.4.4 The applicant, or an agent thereof, shall obtain the approval of the OCD prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The OCD may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to § 34.5 of this By-Law, the Stormwater Management Standards and Best Management Practices. The OCD has the right to amend the existing permit and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

34.5 Illicit Connection Detection & Elimination

34.5.1 Prohibited Activities

34.5.1.1 Illicit Discharges.

No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. Nothing in the article shall be construed to exempt stormwater discharges from regulation under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

34.5.1.2 Illicit Connections.

No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

34.5.1.3 Obstruction of Municipal Storm Drain System.

No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the OCD.

34.5.2 Regulated Activities

No person shall connect a pipe or other appurtenance to the Town of Belmont Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Stormwater Management and Erosion Control Permit.

34.5.3 Exemptions

The following Non-Stormwater Discharges are exempt from the requirements of Sections 34.4 and 34.5 of this By-Law except if the OCD determines, after notice and an opportunity for hearing, that the source is a significant contributor of a Pollutant to the MS4:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);
- (f) Uncontaminated pumped ground water;
- (g) Discharges from potable water sources;
- (h) Foundation drains;
- (i) Air conditioning condensation;
- (j) Irrigation water and springs;
- (k) Water from crawl space pumps;
- (l) Footing drains;
- (m) Lawn watering;
- (n) Car washing undertaken by individual residents at their homes;
- (o) Flows from wetland resource areas;
- (p) De-chlorinated swimming pool discharges;

- (q) Street wash water and residential building wash waters, without detergents;
- (r) Discharges or flows from firefighting activities;
- (s) Dye testing, if written approval is given by the OCD prior to the time of the test;
- (t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- (u) Discharges necessary to protect public health, safety, welfare or the environment, for which advanced written approval is received from the OCD.

34.5.4 Emergency Suspension of Storm Drain System Access

The OCD may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the OCD may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

34.6 Stormwater Management and Erosion Control

34.6.1 Regulated Activities

A Stormwater Management and Erosion Control Permit shall be required prior to undertaking any land disturbance that involves:

- (a) An alteration that will result in land disturbances of 2,500 square feet of total area or more, or that is part of a common plan for development that will disturb 2,500 square feet or more;
- (b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
- (c) Storage or permanent placement of more than 100 cubic yards of excavated material, fill, snow or ice.

34.6.2 Exempt Activities

Lots with three or fewer dwelling units existing as of the effective date of this Article shall be exempt from Section 34.4 and 34.6. In addition, the following activities shall be exempt from Section 34.6:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Stormwater discharges that are authorized by an Order of Conditions issued by the Conservation Commission;
- (e) Maintenance Of Existing Landscaping, Gardens Or Lawn Areas;

- (f) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (g) Emergency activities necessary to protect public health or safety

34.6.3 General Requirements

34.6.3.1 An Operation and Maintenance Plan shall be submitted to the OCD for approval prior to the issuance of a Stormwater Management and Erosion Control Permit. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management and Erosion Control Permit, this By-Law, and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, in all seasons and throughout the life of the system.

34.6.3.2 As-built drawings showing all stormwater management systems shall be submitted to the OCD at the completion of a project.

34.6.3.3 The OCD may require the applicant to contribute to the cost of design, construction, and maintenance of a public or shared stormwater facility in lieu of an onsite stormwater facility where the OCD determines that there are not sufficient site conditions for onsite Best Management Practices that will satisfy the design criteria set forth in Section 34.6.4.1 of this By-Law and the performance standards set forth in the regulations promulgated under this By-Law. Funds so contributed may be used to design, construct, and maintain stormwater projects that will improve the quality and quantity of surface waters in Belmont by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of any required contribution to the fund shall be determined by the OCD pursuant to standards established in the Regulations adopted pursuant to this By-Law.

34.6.4 Design Criteria

34.6.4.1 All Development shall satisfy the following design criteria:

- (a) Compliance with all applicable provisions of the Stormwater Management Standards, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or storm sewers, the OCD may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

34.7 Severability

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 34.1.

34.8 Enforcement

The OCD shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law, and may pursue all civil and criminal remedies for such violations.

- (a) The OCD may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:
 - (i) eliminate illicit connections or discharges to the MS4;
 - (ii) perform monitoring, analyses, and reporting;
 - (iii) cease and desist unlawful discharges, practices, or operations; and
 - (iv) remediate contamination in connection therewith.
- (b) If the OCD determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the OCD may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Section 34.8 (e).
- (c) If the OCD performs the work described in Section 34.8 (b), the violator and the property owner shall be notified of the costs incurred by the OCD, including administrative costs, within thirty (30) days after completing all measures necessary for the abatement or remediation. Within thirty (30) days of receipt of such notification, the violator or property owner may file with the Town Administrator a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Administrator may adjust the amount of the costs to be charged to the violator pursuant to Section 34.8(b).
- (d) If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the OCD, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- (e) As an alternative to criminal remedies set forth in this Section, the OCD may elect to utilize non-criminal disposition procedures set forth in *M.G.L. c.40, § 21D*. The penalty for the first violation shall be \$100.00. The penalty for the second violation shall be \$200.00. The penalty for the third and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (f) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the OCD, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys or sampling as the OCD deems reasonably necessary.
- (g) The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

**Article 23 – Stormwater Management
By-Law Review Committee (amendment, final, redline)**

ARTICLE 23: GENERAL BY-LAWS - STORMWATER MANAGEMENT AND EROSION CONTROL

Redline Changes of Amendment , by Substitute Motion, offered by By-Law Review Committee

ARTICLE 34

Stormwater Management and Erosion Control By-Law

34.1 Purposes

The purposes of this By-Law are:

- (a) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System (MS4);
- (b) To prohibit illicit connections and unauthorized discharges to the (MS4) and to require the removal of all such illicit connections
- (c) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (d) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement;
- (e) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff,
- (f) To promote infiltration and the recharge of groundwater;
- (g) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and
- (h) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

34.2 Definitions

For the purposes of this By-Law, the following definitions shall apply:

ALTERATION — Any activity, that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, earthmoving, paving, and modification of existing vegetation.

BEST MANAGEMENT PRACTICES (BMPs) — Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT — The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

DEVELOPMENT – The alteration of land to accommodate a new use or an expansion or modification of an existing use.

HAZARDOUS MATERIAL - Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under *M.G.L. c.21C* and *c. 21E*, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLICIT CONNECTION - A surface or subsurface drain or conveyance that allows an illicit discharge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLICIT DISCHARGE - Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Section 34.5.3. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE — Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops and swimming pools.

MAINTENANCE OF EXISTING LANDSCAPING, GARDENS OR LAWN AREAS – The act of trimming, pruning, mowing or edging existing vegetation.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM) — The system of conveyances, owned or operated by the Town of Belmont, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NONPOINT SOURCE POLLUTION - Any water pollution having a source that is not a "point source."

NON-STORMWATER DISCHARGE — A discharge into the MS4 that is not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN - A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OCD – Town of Belmont Office of Community Development

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE - Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT - Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) Pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

RECHARGE — The process by which groundwater is replenished by precipitation.

RUNOFF - The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM - A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

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STORMWATER - Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT — The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT — A permit issued by the Town of Belmont Office of Community Development, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT STANDARDS — The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection or any successor agency, as such Standards and Handbooks may be hereafter superseded or amended.

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VEGETATION – Trees, shrubs, bushes and ground cover, including grass.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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34.4.2 Some permit applications may require the OCD to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of this By-Law. These services shall be paid for by the Applicant prior to the issuance of the Stormwater Management and Erosion Control Permit.

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34.4.4 The applicant, or an agent thereof, shall obtain the approval of the OCD prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The OCD may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to § 34.5 of this By-Law,

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No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

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- (t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
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- (b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
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- (b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.
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The OCD shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law, and may pursue all civil and criminal remedies for such violations.

- (a) The OCD may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:
 - (i) eliminate illicit connections or discharges to the MS4;
 - (ii) perform monitoring, analyses, and reporting;
 - (iii) cease and desist unlawful discharges, practices, or operations; and
 - (iv) remediate contamination in connection therewith.

- (b) If the OCD determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the OCD may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Section 34.8 (e).

- (c) If the OCD performs the work described in Section 34.8 (b), the violator and the property owner shall be notified of the costs incurred by the OCD, including administrative costs, within thirty (30) days after completing all measures necessary for the abatement or remediation. Within thirty (30) days of receipt of such notification, the violator or property owner may file with the Town Administrator a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Administrator may adjust the amount of the costs to be charged to the violator pursuant to Section 34.8(b).

- (d) If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the OCD, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

- (e) As an alternative to criminal remedies set forth in this Section, the OCD may elect to utilize non-criminal disposition procedures set forth in M.G.L. c.40, § 21D. The penalty for the first violation shall be \$100.00. The penalty for the second violation shall be \$200.00. The penalty for the third and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- (f) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the OCD, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys or sampling as the OCD deems reasonably necessary.

- (g) The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

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Article 23 - Stormwater Management and Erosion Control
Amendment offered by Robert McGaw, Town Meeting Member Precinct 1

Amend the proposed Article 34 by replacing the definition “Maintenance of Existing Landscaping, Gardening, or Lawn Areas” with the following definition:

“LANDSCAPING AND GARDENING ACTIVITIES” – The customary horticultural, floriculture, and viticulture activities, and customary activities associated with landscaping, lawns, and gardening, including without limitation, planting, re-planting, removal of plants, seeding, replacement of plants, fertilizing, application of lime, plowing and turning over soil, application of insecticides, mowing, raking, thatching, pruning, edging, and mulching existing plants as well as new plants (whether in existing or new locations) as well as replacements, relocation, and enhancements of any of them. The term “plants” includes annual and perennial flowers and vegetables as well as “vegetation” as such term is defined in this Article.

Amend Section 34.6.2(e) to read: “(e) Landscaping and gardening activities;”.

Explanation for the Proposed Amendment to Article 23 “Stormwater Management and Erosion Control.” The Amendment attempts to clarify that all customary flowers and vegetable gardening activities are exempted: The problem is created by the two definitions in the Warrant Article 23:

“VEGETATION – Trees, shrubs, bushes, and ground cover, including grass.” [*Note: flowers and vegetables are not listed.*]

“MAINTENANCE OF EXISTING LANDSCAPING, GARDENING, OR LAWN AREAS:\ - The act of trimming, pruning, mowing or edging existing vegetation.” [*Note: The use of “existing vegetation” suggests that one cannot replace vegetation that dies. Also note that many activities normally done in connection with trees, shrubs, bushes, and ground cover, are not listed. So “raking leaves” and “mulching” would not be allowed. Under the definition, maintenance of flowers is not allowed.*]

The second definition mentioned above is used in only one place--Section 34.6.2(e). The words in Section 34.6.2(e), are a defined term, but they do not put the reader on notice that they are a defined term, and they read as if the dictionary meanings of the words are to be used. [It would help the reader if defined terms were capitalized when used in a By-law.] Even if not a defined term, only “existing vegetation” is exempted--not replacements.

So, Section 34.6.2, which attempts to list things that are “exempted” from the Article, actually does not exempt flower and vegetable gardening, and does not allow new plantings of “vegetation.” Section 34.6.1 and Section 34.6.2 are not cross-referenced. Section 34.6.1, which defines the “Regulated Activities,” does not say that activities not so regulated are exempted. Section 34.6.2 could have clarified matters by adding a subsection (h) stating that all activities not regulated under Section 34.6.1 are exempted. But even with that change, the limited definition of “vegetation” excludes flowers and vegetables.

Article 26 - Community Preservation Committee Budget and Projects

Amendment offered by Floyd S Carman, Belmont Town Treasurer:

Moved: To amend the main motion under Article 26 subpart g by substituting for the Underwood Park Plan and Design total appropriation \$298,000 for \$385,000 and by substituting \$231,907.50 for \$318,907.15 so that the Motion reads:

That \$298,000 be appropriated for Underwood Park Plan and Design and to meet this appropriation, \$66,092.85 be appropriated from Open Space/Recreation Reserve Account and \$231,907.15 from the FY13 Budgeted Reserve of the Community Preservation Fund.

**Article 28 – Underwood Pool and Playground Building Committee
Mark Paolillo, Selectmen**

Article 28 - Underwood Pool and Playground Building Committee

Amendment offered by Mark Paolillo, Chair Board of Selectmen

Substitute Motion

MOVED: To amend the main motion under Article 28 by inserting, after the phrase “new public swimming pool and related recreational facilities,” the phrase “as described in ‘Option 1’ in the Underwood Playground Recreational Feasibility Report and Preliminary Design by Bargmann Hendrie + Archetype, Inc. dated April 2, 2013,” so that the motion would read as follows:

MOVED: That the Town establish an Underwood Pool and Playground Building Committee for the purpose of constructing a new public swimming pool and related recreational facilities as described in “Option 1” in the Underwood Playground Recreational Feasibility Report and Preliminary Design by Bargmann Hendrie + Archetype, Inc. dated April 2, 2013; to authorize the Town Moderator to appoint an Underwood Pool and Playground Building Committee to oversee the design and construction of said project; and to authorize said Underwood Pool and Playground Building Committee to enter into contracts and take all actions necessary to carry out the schematic level design.



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MEMORANDUM

TO: Town Meeting Members
FROM: The Planning Board
SUBJECT: Report on Warrant Articles 30, 31 and 21
DATE: April 26, 2013

In preparation for the Annual Town Meeting, the Planning Board is pleased to report on the following Articles:

A. Article 30 - Interim Controls for Medical Marijuana Uses

At the request of the Board of Selectmen, the Planning Board drafted this zoning by-law which imposes a moratorium until June 30, 2014 on medical marijuana dispensaries and cultivation.

At the last General Election, the residents of Massachusetts voted to legalize the cultivation and dispensing of marijuana for medical reasons, subject to the enactment of regulations governing such activities by the Department of Public Health ("DPH"). It is expected that the final regulations will be enacted at the end of May, 2013.

Belmont has an interest in ensuring that medical marijuana facilities are properly sited within the Town. For example, should dispensaries be located in the vicinity of schools or within residential areas? The final DPH regulations, among other things, will help to define the permissible scope of the Planning Board's regulation of medical marijuana facilities using zoning.

Therefore, the purpose of the Moratorium is to allow the Planning Board sufficient time to study the final DPH regulations, to engage in a planning process, and to propose new zoning restrictions which are consistent with the Town's planning goals and objectives.

The Planning Board unanimously recommends passage of this By-Law.

B. Article 31 - Religious and Municipal Building Preservation

The Planning Board drafted this zoning by-law to provide incentives for developers not to demolish the Town's defining religious and municipal buildings.

The By-Law would apply to about 20 buildings that have traditionally been used for religious or municipal purposes, and were constructed prior to 1950. The incentives which the Planning Board would be authorized to offer a developer to preserve such a building include: authorizing a mix of residential and commercial uses; reducing parking requirements; modifying the Inclusionary Housing requirements; and, increasing the number of dwelling units that would otherwise be allowed, within the existing buildings. The Special Permit process would include a public hearing that will ensure that resident concerns will be properly addressed.

Due to the unique construction characteristics of religious and municipal buildings, it is typically more expensive to preserve these buildings than to demolish them and build new. The incentives offered by this By-Law would help off-set some of that added cost with the hopes of preserving these buildings and ultimately the Town's character.

The Planning Board unanimously recommends passage of this By-Law.

C. Article 21 - Demolition Delay

This general by-law is a product of the joint efforts of the Planning Board and the Historic District Commission.

This version of the Demolition Delay By-Law balances the community's interest in preservation, with an individual owner's property rights, by limiting its applicability to a list of approximately 200 properties. Before potential demolition, owners of buildings on the list will be encouraged to review alternatives to demolition and to work in good faith with the Historic District Commission to hopefully preserve rather than demolish such buildings. Future Town Meeting approval is required in order to add new properties to the list, ensuring that the process would remain democratic and open to debate. Finally, the demolition delay for residential properties cannot exceed 6 months; the delay for commercial, religious and other private non-profit properties cannot exceed 12 months.

Municipal properties, which would in any event be subject to considerable public process before they are sold or demolished, would not be further restricted by the demolition delay by-law.

The Planning Board unanimously recommends passage of this By-Law.