



**TOWN OF BELMONT
OFFICE OF THE TOWN ADMINISTRATOR AND
BOARD OF SELECTMEN**

December 14, 2011

To All Town Meeting Members:

Please find enclosed the Special Town Meeting Warrant and Motions containing eight articles for which action is required on Wednesday, January 18, 2012. Should the business not be concluded, the meeting will be continued to Thursday, January 19, 2012.

The Town Meeting will convene at the Chenery Middle School Auditorium. Kindly be informed that each session of town meeting will begin promptly at 7:00 PM. Please note that the starting time for town meeting is at 7:00 PM – not 7:30 PM as it may have been scheduled in the past. It is the Selectmen's intent to move to adjourn each session at or before 11:00 PM.

The enclosed Town Meeting Warrant includes a descriptive paragraph after most articles explaining their purpose or intent. The packet also includes:

- Information from the Belmont Municipal Light Department concerning the Municipal Light Substation Article.
- Reports of the Planning Board concerning the items that relate to zoning.
- Reports of the By-Law Review Committee concerning items that relate to By-Law changes.
- Information from the Belmont Historic Commission concerning the Demolition By-Law and the Thomas Clark House on Royal Road.

Please note that all Town Meeting information, including the Warrant & Motions, is also available on the Town's web page in the Town Meeting section:
http://www.belmontma.gov/Public_Documents/BelmontMA_WebDocs/townmeeting/index

Thank you for your participation in this Special Town Meeting.

Sincerely,

Ralph Jones, Chairman
Mark Paolillo, Vice Chairman
Angelo Firenze

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 printed 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

TOWN OF BELMONT
WARRANT FOR
SPECIAL TOWN MEETING



CHENERY MIDDLE SCHOOL AUDITORIUM

WEDNESDAY

JANUARY 18, 2012

AT SEVEN O'CLOCK P.M.



TOWN OF BELMONT
WARRANT FOR SPECIAL TOWN MEETING
JANUARY 18, 2012
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 Town Affairs, to meet at the Chenery Middle School Auditorium on Wednesday, January 18, 2012 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: Town Reports

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

This article allows the Board of Selectmen and other town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing in the Warrant. This article stays "on the table" throughout the Special Town Meeting to allow town officials and committees to report when necessary.

ARTICLE 2: Capital Appropriation – Municipal Light Substation

To see if the Town will vote to authorize the Board of Selectmen, acting as the Municipal Light Board, to acquire by gift, purchase or eminent domain all or any portion of the land with improvements thereon located at 20 Flanders Road, the portion located within

the Town of Belmont being shown as Parcel 4 on Assessor's Map 38, said land being described in the deed recorded with the Middlesex South District Registry of Deeds in Book 15897, Page 404, on such terms and conditions as the Board of Selectmen deem appropriate; or in any way act thereon; And, To see if the Town will vote to appropriate a sum of money not to exceed Sixty Million Dollars (\$60,000,000) for the use of the Municipal Light Department under and pursuant to Chapter 164 to pay the costs of designing, constructing and installing an electrical substation facility and building, associated transmission and/or distribution cables, of such type and number and at such voltage level, located along and under such public and/or private ways in the Town of Belmont and/or in the City of Cambridge, all as the Board of Selectmen, acting as the Municipal Light Board, may determine, for the purpose of upgrading the Department's electric supply sources by connecting said new substation to existing and/or upgraded transmission cables and/or substation facilities of NStar Electric Company in the City of Cambridge, and all related structures, wires, poles, conduits and appurtenances, and all furnishings and equipment for said facilities and connections, and to acquire land or interests in land (including the parcel of land at 20 Flanders Road referenced below) for these and other related municipal electrical purposes, and for the payment and/or sharing of all other costs necessary or incidental thereto, including, without limitation, costs incurred by NStar Electric Company for these or other Municipal Light Department purposes; to authorize the Board of Selectmen, acting as the Municipal Light Board, to use amounts accumulated by the Municipal Light Department for depreciation for such purposes under and pursuant to Chapter 164; to authorize the Treasurer, with the approval of the Board of Selectmen, in order to meet all or any part of this appropriation, to borrow said monies under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; and to authorize the Board of Selectmen, acting as the Municipal Light Board, to acquire by gift, purchase or eminent domain all or any portion of the land with improvements thereon located at 20 Flanders Road, the portion located within the Town of Belmont being shown as Parcel 4 on Assessor's Map 38, said land being described in the deed recorded with the Middlesex South District Registry of Deeds in Book 15897, Page 404, on such terms and conditions as the Board of Selectmen deem appropriate; or in any way act thereon.

This article appropriates funds not to exceed Sixty Million Dollars (\$60,000,000) for the design and construction of new sources of electrical supply for the Municipal Light Department, effected by connecting a new electrical substation via new underground cables to existing and upgraded transmission and/or substation facilities of NStar Electric in the City of Cambridge, and for acquisition of land and land rights, and for other costs related thereto and authorizes the Selectmen specifically to acquire real property at 20 Flanders Road as the site for the substation.

Two-thirds vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this article.

ARTICLE 3: Home Rule Petition – Electronic Distribution of Town Meeting Warrants

To see if the Town will vote to petition the General Court to amend the Belmont Representative Town Meeting Act of 1926 substantially as follows (subject to clerical or editorial changes of form), and further to authorize the Board of Selectmen to approve any additional amendments which are within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO NOTICE OF TOWN MEETINGS 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 first paragraph of section 3 of chapter 302 of the acts of 1926, as amended by section 3 of chapter 710 of the acts of 1969 and section 1 of chapter 16 of the acts of 1995, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent at least seven days before the meeting by mail or by such other method of delivery as the town may specify in a by-law duly enacted by the town meeting.

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

Majority vote required for passage

Yes _____ No _____

ARTICLE 4: Disposition of Town Owned Property – Royal Road Parcel

To see if the Town will vote to approve the sale, and conversion to residential use, of a portion of the park land on Royal Road shown as Belmont Assessors Parcel #31-42, and which is further described in the deed to the Town recorded at Book 5572, Page 454 at the Middlesex County Registry of Deeds, said portion to consist of 21,950 square feet, more or less, on the condition that the property become the site of the relocated Thomas Clark House, and on such other terms and conditions as the Board of Selectmen may deem to be in the best interests of the Town, and to petition the General Court under Article 97 of the Massachusetts Constitution for an Act approving said sale and conversion, or take any other action relative thereto.

Two thirds majority vote required for passage

Yes _____ No _____

The Warrant Committee will report orally on this article.

ARTICLE 5: Amendment to the General By-Laws – Demolition Delay

To see if the Town will vote to amend the General By-Laws by adding a new Article 34 as follows:

“ ARTICLE 34

Demolition Delay

34.1 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.

34.2 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 34.3.2.
- (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, dismantling, or razing a Building or commencing the work of total or substantial destruction with the intent of completing the same.
- (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) DESIGNEE – A member of the Commission who is assigned thereby to exercise authority pursuant to this Article, on such terms and conditions as the Commission may set.
- (h) INSPECTOR OF BUILDINGS - The person authorized by law to issue demolition permits within the Town of Belmont.
- (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 rather than demolished.
- (j) SIGNIFICANT BUILDING - A Building within Belmont that is, in whole or in part, fifty (50) or more years old and that has been determined by the Commission or its Designee to be significant based on any of the following criteria:
- The Building is listed on the National Register of Historic Places; or
 - The Building has been found eligible for the National Register of Historic Places; or
 - The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town of Belmont or the Commonwealth of Massachusetts or the nation; or
 - The Building is historically or architecturally important (in terms of period, style, method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of Buildings.

34.3 Procedure

34.3.1 No Demolition Permit for a Building that is, in whole or in part, fifty (50) or more years old shall be issued without following the provisions of this Article. If a Building is of unknown age, it shall be assumed that the Building is fifty (50) or more years old for the purposes of this Article.

34.3.2 An Applicant proposing to demolish a Building that is fifty (50) or more years old 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.
- The reason for requesting a Demolition Permit.

- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the Building and photographs of neighboring Buildings.

34.3.3 The Inspector of Buildings shall, within seven (7) calendar days of receipt of such Application, forward a copy thereof to the Commission. The Commission or its Designee shall thereafter make a determination of whether or not the Building is a Significant Building. If notice of such determination is not provided to the Inspector of Buildings within thirty (30) calendar days after the Commission's receipt of the Application, the Inspector of Buildings may proceed to issue the Demolition Permit.

34.3.4 Upon determination by the Commission or its Designee that the Building is not a Significant Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.

34.3.5 Upon determination by the Commission or its Designee that the Building is a Significant Building, the Commission shall so notify the Inspector of Buildings and the Applicant in writing, and the Inspector of Buildings shall thereafter defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.3.6 If the Commission or its Designee finds that the Building is a Significant Building, it shall hold a public hearing within thirty (30) calendar days of its written notification to the Inspector of Buildings, or such later date to which the Applicant consents. . 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) calendar days prior to the date of said hearing, and the Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place no less than fourteen (14) days in advance.

34.3.7 The Commission shall determine, within fourteen (14) calendar days after the close of the public hearing, or such later date as the Applicant consents to, whether the Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed. If the Commission does not notify the Inspector of Buildings of its determination in writing within twenty-one (21) days of the close of the public hearing, the Inspector of Buildings may issue the demolition permit.

34.3.8 If the Commission determines that the 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.

34.3.9 If the Commission determines that the Building is a Preferably Preserved Building, the Commission shall notify the Inspector of Buildings and Applicant in writing. A Demolition Permit may thereafter be issued no sooner than twelve (12)

months after the date of the notification that the Building is a Preferably Preserved Building, 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.

34.4 Administration

34.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article.

34.4.2 Subject to the specific approval of the Board of Selectmen, the Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this Article.

34.4.3 The Commission may develop a list of Significant Buildings that will be subject to this Article. Buildings proposed for the Significant Building list shall be added only at a public meeting of the Commission. Owners of record of Buildings proposed for such listing shall receive written notice of the time and place of such public meeting no less than fourteen (14) days in advance thereof. Upon receipt of an Application forwarded from the Inspector of Buildings for such a listed Significant Building, the Commission shall proceed with procedures for determination whether such Significant Building is a Preferably Preserved Building and, notwithstanding the provisions of section 34.3.3, the Inspector of Buildings shall defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.5 Responsibility of Owners

34.5.1 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 Building is a Preferably Preserved Building;
- allow access to the property as reasonably requested by the Commission;
- secure the premises, 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.

34.5.2 If the owner of a Preferably Preserved Building fails to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of such Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this Article.

34.6 Emergency Demolition

34.6.1 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 Building that is fifty (50) or more years old 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 such Building.

34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a Building that is fifty (50) or more years old, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

34.7 Enforcement and Remedies

34.7.1 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.

34.7.2 Any owner of a Building that is fifty (50) or more years old, which is 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 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.

34.7.3 If a Building that is fifty (50) or more years old is 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.

34.8 Historic District Act

34.8.1 Following a determination that a Building is a Preferably Preserved Building, the Commission may recommend to Town Meeting that the Building be protected pursuant

to the provisions of Chapter 40C of the Massachusetts General Laws for Town Meeting approval of the inclusion of Buildings or Sites within an Historic District.

34.9 Severability

34.9.1 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 intent and purpose of this Article, as provided in Section 1 hereof.”

, or in any way act thereon.

Majority vote required for passage Yes _____ No _____

ARTICLE 6: Amendment to the General By-Laws – Date of Annual Town Meeting
To see if the Town will vote to amend the Town of Belmont General By-laws by deleting the existing Section 2.2 and substituting the following:

2.2 The annual town election shall be held on the first Monday of April in each year and the annual town meeting shall be held on the fifth Monday of April, if any, or otherwise the first Monday of May in each year. The annual town election and the annual town meeting may be called pursuant to a single warrant or separate warrants may be used, at the discretion of the Selectmen.

, or in any way act thereon.

Majority vote required for passage Yes _____ No _____

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

ARTICLE 7: Non-binding Resolution – Town Meeting Communications
To see if the Town will vote to adopt the following non-binding resolution, or take any action thereon:

WHEREAS, the 2010 Annual Town Meeting authorized the creation of the Ad Hoc Committee on Town Meeting Communication; and

WHEREAS, the Town Moderator appointed an Ad Hoc Committee on Town Meeting Communication, with representatives from each Belmont precinct, an at-large member, and representatives of the Warrant Committee and Planning Board; and

WHEREAS, the Ad Hoc Committee on Town Meeting Communication was charged with becoming thoroughly familiar with the existing processes by which information is presented to

Town Meeting Members; soliciting input from Town Meeting Members regarding their perceptions of the strengths and weaknesses of the existing processes affecting the amount, quality and timing of information provided to Town Meeting; soliciting input from Town Meeting Members regarding their perceptions of the strengths and weaknesses of the existing processes for capturing or developing issue-specific information, during the time that Town Meeting is not in session, that may educate Town Meeting Members with respect to matters reasonably expected to be the subject of future Town Meeting deliberation; and consulting with Town Meeting Members, elected and appointed Town officials, and Town staff on how to enhance the strengths and on how to mitigate the weaknesses identified above; and

WHEREAS, the Ad Hoc Committee on Town Meeting Communications was further charged with recommending policies, procedures, and processes, where appropriate, that will enhance the strengths and mitigate the weaknesses identified above; and

WHEREAS, in due exercise of this charge, the Ad Hoc Committee on Town Meeting Communication finds that expanding the time within which non-budget warrant articles are made available to Town Meeting Members prior to the annual Town Meeting will enhance certain strengths and mitigate certain weaknesses with respect to these issues of communications;

Therefore be it RESOLVED, that Town Meeting:

ACKNOWLEDGES the community benefits that would arise from improving the amount, quality and timing of information provided to Town Meeting Members;

FURTHER ACKNOWLEDGES the community benefits that would arise from enhancing processes for capturing, developing and disseminating issue-specific information during the time that Town meeting is not in session that may educate Town Meeting Members with respect to matters reasonably expected to be the subject of future Town Meeting deliberation;

ENDORSES the following procedural schedule for non-budget warrant articles that are to be presented to Annual Town Meeting:

- 1) the warrant shall be closed no later than the second Monday of February of each year;
- 2) the warrant shall be signed and distributed in writing to all Town Meeting Members no later than the fourth Friday of February of each year;
- 3) the warrant shall contain the text of each warrant article along with a concise explanation of each warrant article contained therein;
- 4) the warrant shall contain a notice of the dates for public hearings, if any, by the sponsoring department, board or committee for each warrant article contained therein;

5) each warrant article shall be posted on a Town Meeting page of the Town's website, along with explanatory and/or supporting materials, if any, provided and updated by the sponsoring department, board or committee;

6) the motions for each non-budget warrant article shall be circulated in writing to Town meeting members no later than fourteen days prior to the first session of Town Meeting;

7) separate pre-Town Meeting briefings shall be held for budget and for non-budget warrant articles;

FURTHER ENDORSES a process under which Town Meeting Members in each of Belmont's eight individual precinct are encouraged, at their discretion, to schedule and hold precinct caucuses in public meeting spaces to discuss the warrant articles so presented; and

REQUESTS that the Board of Selectmen adopt the procedural schedule set forth above for the 2012 Annual Town Meeting, with a Town Meeting vote at the 2012 Annual Town Meeting on whether to endorse continuing such an expanded procedural schedule.

FURTHER REQUESTS that the Town Meeting Moderator promulgate a Town Meeting procedural rule establishing that except upon approval by a majority vote of Town Meeting, no annual town meeting vote on the annual budget shall occur sooner than two weeks after the date on which that budget is distributed to Town Meeting Members.

Majority vote required for passage

Yes _____ No _____

ARTICLE 8: Amendment to the Zoning By-Law – Solar Energy Systems

To see if the Town will vote to amend the Zoning By-Laws in Section 1.4, 'Definitions and Abbreviations', Section 3.3, 'Schedule of Use Regulations; Business and Accessory Uses', and Section 4.3.5, 'Accessory Buildings', as follows:

A. In Section 1.4, 'Definitions and Abbreviations,' insert after the definition for 'Sign, Temporary' a definition for 'Solar Energy System' as follows:

1.4 Definitions and Abbreviations

Sign, Temporary - Any sign, including its supporting structure, intended to be maintained for a continuous period of not more than 100 days in any calendar year.

Solar Energy System – A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

B. In Section 3.3, 'Schedule of Use Regulations – Business,' insert after 'Wireless Telecommunications Facility' the new use 'Solar Energy System' as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<u>BUSINESS</u>								
Wireless Telecommunications Facility (see §6.8)	SP	SP	SP	SP	SP	SP	SP	SP
Solar Energy System	N	N	N	SP	SP	SP	SP	N

C. In Section 3.3, 'Schedule of Use Regulations – Accessory Uses,' insert after 'Wireless Telecommunications Facility' the new uses 'Roof-Mounted Solar Energy System' and 'Free-Standing Solar Energy System' as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<u>ACCESSORY USES</u>								
Wireless Telecommunications Facility (see §6.8)	SP	SP	SP	SP	SP	SP	SP	SP
Solar Energy System (see §4.3.5)	Y	Y	Y	Y	Y	Y	Y	N

D. In Section 4.3.5, 'Accessory Buildings' change the title of the subsection to include 'and Structures' and insert after 'd) Satellite Antennae' a new subsection 'e) Solar Energy System' as follows:

4.3.5 Accessory Buildings and Structures

e) Solar Energy System

1. A Roof-Mounted Solar Energy System on a sloped roof may be built:
 - i. not extending beyond the eaves of the roof, and
 - ii. so that the top surface of the Solar Energy System does not project more than 12 inches above the surface of the sloped roof to which it is attached in order that it follows the contours of the sloped roof.
2. A Roof-Mounted Solar Energy System on a flat roof may be built:

- i. not exceeding 7 feet in height above the surface of the flat roof,
 - ii. not exceeding the otherwise maximum permissible height of the zoning district within which the System will be installed, and
 - iii. after completion of Design and Site Plan Review pursuant to Section 7.3.
3. A Free-Standing Solar Energy System may be built:
- i. not within the front yard as defined by the area between the streetline and front façade of the principal structure and the side property lines,
 - ii. not closer than 5 feet from the rear and side lines of a lot,
 - iii. not more than 6 feet above the adjacent grade, and
 - iv. after completion of Design and Site Plan Review pursuant to Section 7.3.
4. The height of a Solar Energy System, as listed above, may be modified by Special Permit from the Planning Board, taking into account to the extent possible:
- i. a Roof-Mounted Solar Energy System on a sloped roof shall follow the contours of the roof and integrate architecturally with the building on which it is attached;
 - ii. a Roof-Mounted Solar Energy System on a flat roof shall limit the impacts on surrounding properties and integrate architecturally with the building on which it is attached; and
 - iii. a Free-Standing Solar Energy System shall limit the impacts on surrounding properties, maintain safe accessibility and limit stormwater run-off.
5. The owner of the Solar Energy System shall remove it if the Building Commissioner determines that it has become a nuisance or hazard.
6. A Solar Energy System shall not be mounted on the side of a building.

Two-thirds vote required for passage Yes _____ No _____

The Planning Board will report orally on this article.

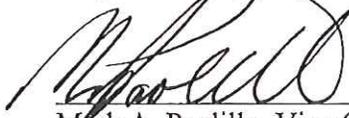
Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 5th day of December, 2011.

BOARD OF SELECTMEN OF THE TOWN OF BELMONT



Ralph T. Jones, Chair



Mark A. Paolillo, Vice Chair



Angelo R. Firenze



A TRUE COPY, ATTEST:



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

SPECIAL TOWN MEETING

WEDNESDAY, JANUARY 18, 2012

PRELIMINARY MOTION

MOVED: That the Articles in the Warrant be considered in the following order:

1, 2, 3, 4, 5, 6, 7, 8.

Motion presented by Ralph T. Jones

ARTICLE 1

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

or

MOVED: That Article 1 be laid on the table.

Motions presented by Ralph T. Jones

ARTICLE 2

MOVED:

That the Board of Selectmen, acting as the Municipal Light Board, be, and it hereby is, authorized to acquire by gift, purchase or eminent domain all or any portion of the land with improvements thereon located at 20 Flanders Road, the portion located within the Town of Belmont being shown as Parcel 4 on Assessor's Map 38, said land being described in the deed recorded with the Middlesex South District Registry of Deeds in Book 15897, Page 404, on such terms and conditions as the Board of Selectmen deem appropriate; or in any way act thereon;

and,

That the sum of [Sixty Million Dollars] be appropriated for the use of the Municipal Light Department under and pursuant to Chapter 164 to pay the costs of

[1] designing, constructing and installing an electrical substation facility and building, associated transmission and/or distribution cables, of such type and number and at such voltage level, located along and under such public and/or private ways in the Town of Belmont and/or in the City of Cambridge, all as the Board of Selectmen, acting as the Municipal Light Board, may determine;

[2] upgrading the Department's electric supply sources by connecting said new substation to existing and/or upgraded transmission cables and/or substation facilities of NStar Electric Company in the City of Cambridge, and all related structures, wires, poles, conduits and appurtenances, and all furnishings and equipment for said facilities and connections,

[3] acquiring land or interests in land (including the parcel of land at 20 Flanders Road referenced above) for these and other related municipal electrical purposes; and

[4] paying and/or sharing of all other costs necessary or incidental to the foregoing, including, without limitation, costs incurred by NStar Electric Company for these or other Municipal Light Department purposes;

and,

That the Board of Selectmen, acting as the Municipal Light Board, be, and it hereby is, authorized to use amounts accumulated by the Municipal Light Department for depreciation for the above purposes under and pursuant to Chapter 164;

and,

That the Treasurer, with the approval of the Board of Selectmen, be, and hereby is authorized, in order to meet all or any part of this appropriation, to borrow said monies under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor.

Motion presented by Ralph T. Jones

Two-thirds vote required for passage

ARTICLE 3

MOVED:

That the Town petition the General Court to amend the Belmont Representative Town Meeting Act of 1926 as printed in the warrant (subject to clerical or editorial changes of form), and further that the Board of Selectmen be, and hereby is, authorized to approve any additional amendments to the proposed Act which are within the scope of the general public objectives of this petition

Motion presented by Mark A. Paolillo

Majority vote required for passage

ARTICLE 4

MOVED: That the Town vote to approve the sale, and conversion to residential use, of a portion of the park land on Royal Road shown on the Belmont Assessors Maps as Parcel #31-42, and which is further described in the deed to the Town recorded at Book 5572, Page 454 at the Middlesex County Registry of Deeds, said portion to consist of 21,950 square feet, more or less, and being depicted on a plan entitled "Royal Road Subdivision" plan dated 12/01/11 by Line Company Architects, Inc., a copy of which is on file with the Town Clerk, on the condition that the property become the site of the relocated Thomas Clark House, and on such other terms and conditions as the Board of Selectmen may deem to be in the best interests of the Town, and to petition the General Court under Article 97 of the Massachusetts Constitution for an Act approving said sale and conversion.

Motions presented by Michael Smith

Two-thirds vote required for passage

ARTICLE 5

MOVED: That under Article 5, the reading of the new proposed general by-law of the Town "Article 34: Demolition Delay" be dispensed with, the same being set forth in full under Article 5 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the General Bylaws by adding a new Article 34 ("Demolition Delay") as printed in the warrant for this Town Meeting.

Motion presented by Michael Smith

Majority vote required for passage

ARTICLE 6

MOVED: That under Article 6, the reading of the proposed amendment to Section 2.2 of the Town of Belmont General Bylaw, and pertaining to the date of the Annual Town Meeting, be dispensed with, the same being set forth in full under Article 6 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the Town of Belmont General By-laws by deleting the existing Section 2.2 and substituting the new Section 2.2 as printed in full in under Article 6 in the Warrant for this Meeting.

Motions presented by Roger Colton

Majority vote required for passage

ARTICLE 7

MOVED: That under Article 7, the reading of the proposed Non-Binding Resolution on Town Meeting Communications be dispensed with, the same having been set forth in full under Article 7 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town adopt the Non-Binding Resolution on Town Meeting Communications as set forth in full under Article 7 in the Warrant for this Meeting.

Motions presented by Roger Colton

Majority vote required for passage

ARTICLE 8

MOVED: That under Article 8, the reading of the proposed amendments to Section 1.4 (“Definitions and Abbreviations”), Section 3.3 (“Schedule of Use Regulations; Business and Accessory Uses”) and Section 4.3.5 (“Accessory Buildings”) be dispensed with, the same having been set forth in full under Article 8 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the Zoning By-Laws in Section 1.4, (‘Definitions and Abbreviations’), Section 3.3, (‘Schedule of Use Regulations; Business and Accessory Uses’), and Section 4.3.5, (‘Accessory Buildings’), as set forth in full under Article 8 in the Warrant for this Meeting.

Motions presented by Sami Baghdady

Two-thirds vote required for passage



Belmont Municipal Light Department
Belmont, MA 02478

Powering Belmont

115 kV Transmission Project



December 2011

Prepared By:

AECOM

For

Belmont Municipal Light Department

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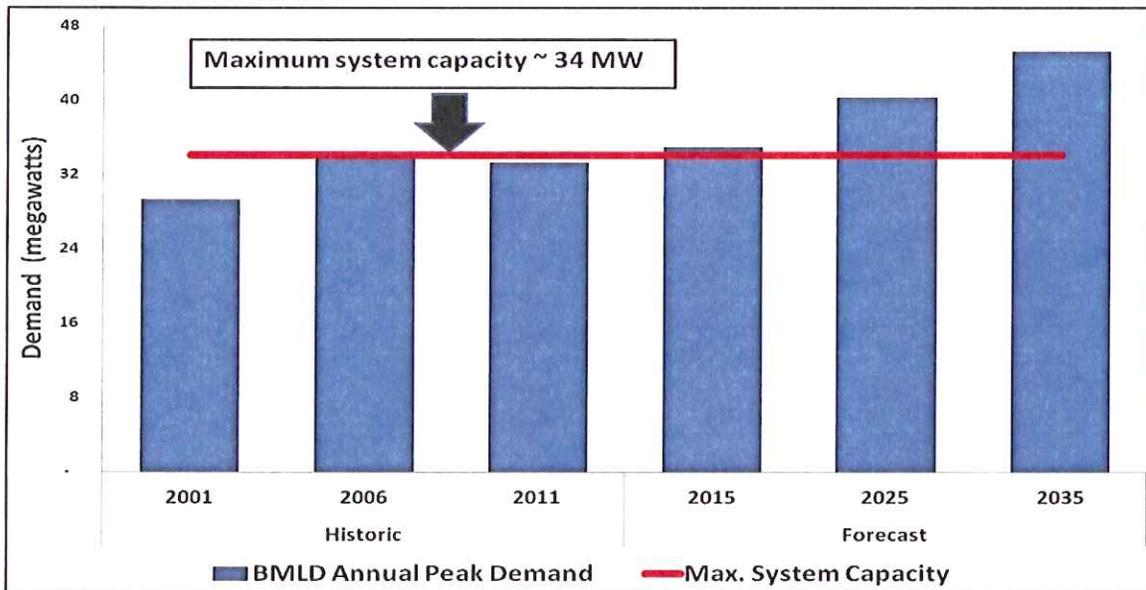
1.0 Executive Summary

The current electric delivery system for the Town of Belmont has several problems that make upgrading the system a necessity – not a luxury

1. The system's current capacity is maxed out as illustrated in Figure 1-1. With the limited expansion that can be done on the current system, Belmont is just barely meeting its current demand for electricity in Belmont and by 2017 the projected demand will exceed any possible capacity of the upgraded current system.
2. The system's infrastructure is more than 40 years old which creates reliability issues, expensive maintenance, increased potential for outages and, as mentioned, expansion limitations.
3. The current delivery system is susceptible to Transient Voltages, which are currently occurring sporadically and have shorted out televisions, computers and other electrical appliances in homes and businesses.

If nothing is done, if we do not address the problems with our current delivery system, BMLD will in very short time be unable to meet the electric need of Belmont residents and businesses with the current system, more expensive repairs will be needed and transient voltages will continue to occur.

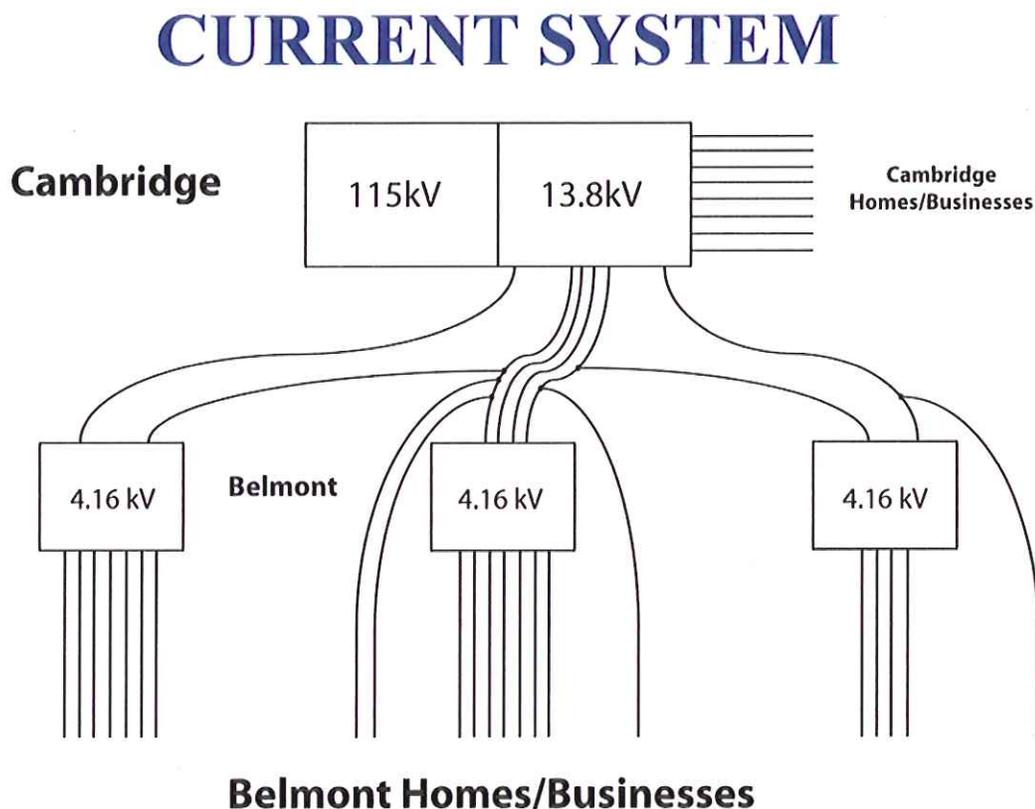
Figure 1-1 BMLD Annual Peak Demand and Maximum System Capacity



The Options

In addressing the problems with the current delivery system (Figure 1-2), Belmont has examined all possible options as a solution.

Figure 1-2 Current Transmission System

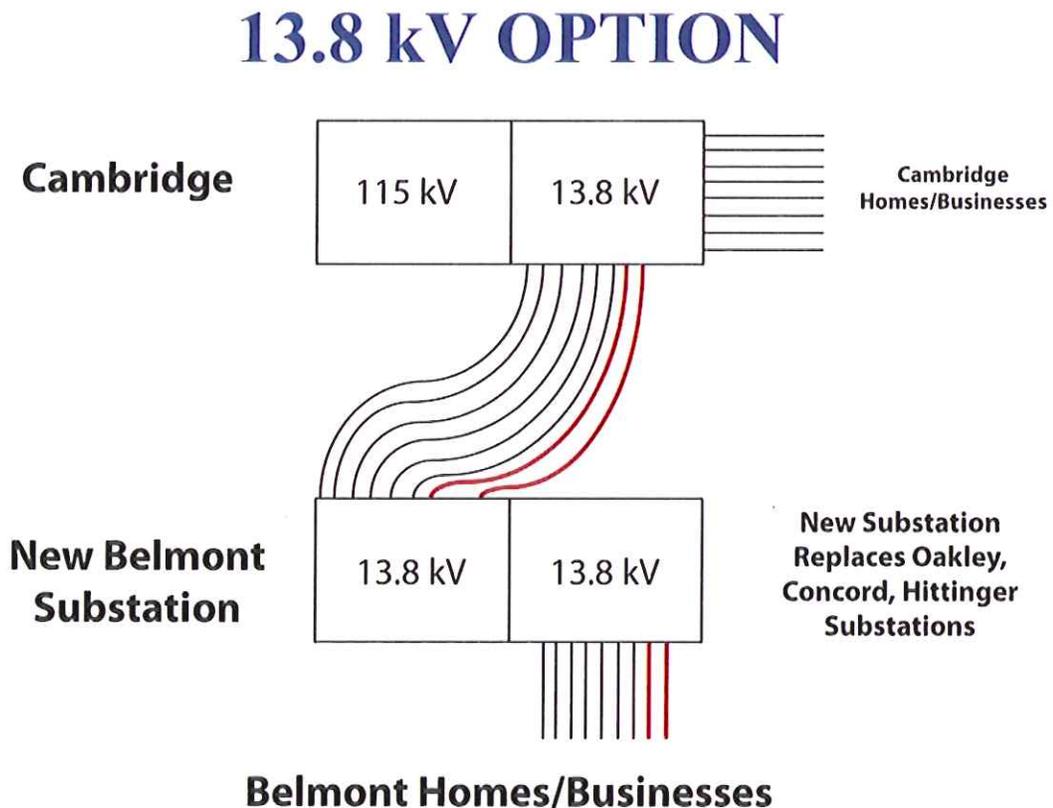


1. We looked at our very aggressive Demand Side Management/Conservation programs to see if we could reduce demand any further. In addition to the numerous conservation programs we were already engaged in, we added several new programs to come on line this year such as Smart Meeting and a Small Scale local generation/net metering policy. Additionally we are hiring a full-time Energy Services Coordinator to design and implement conservation programs. Unfortunately, though these programs and this effort certainly help, DSM and Conservation programs alone will not reduce demand enough to meet our capacity limitations in the next few years.
2. We also looked at selling BMLD to a private utility. After assessing the value of BMLD through its assets, its Payments in Lieu of Taxes, its low rates for municipal buildings and its lower rates for residents/businesses, the value of BMLD to the Town of Belmont – or the price we would have to receive from a buyer to break even – is \$59.4 million. That is nearly 10 times the book value of BMLD and therefore a sale is just not realistic. The other component to

consider when looking at a potential sale is giving up local service. All industry studies show that the reliability of our local service far exceeds that of the private utilities in Massachusetts and a customer satisfaction survey conducted by BMLD showed 98% of our customers find it easy to deal with BMLD.

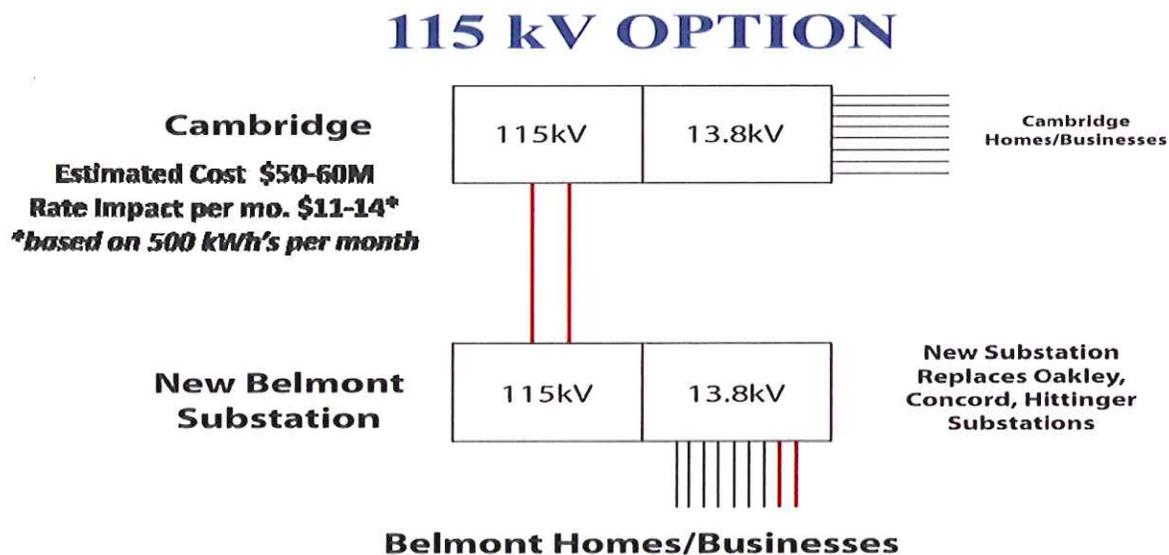
3. We then looked at the possibility of a 13.8kV upgrade as shown in Figure 1-3 below. This option would basically just add two more 13.8 lines to our current six 13.8 lines terminating at a new substation in Belmont. Additionally, this option would require the maintenance of eight lines into Belmont – a significant fact given that six of those lines would still be over forty years old. The price estimate for the 13.8kV upgrade project would be \$74 million – and future distribution would not be eligible for subsidies. This option would also require significant NSTAR expenditures which BMLD would have to pay for but for which we would have no control over.

Figure 1-3 13.8 kV Transmission System Upgrade Option



4. Finally, we looked at the possibility of extending the 115 kV transmission system from Cambridge to Belmont (illustrated in Figure 1-4 below). This option would increase capacity going forward and enable us to expand when necessary. It would also require all new infrastructure, including a new duct and manhole system and the addition of two 115 kV lines into Belmont. In all, a new 115 kV transmission system would increase efficiency, reduce power losses, while requiring less maintenance and providing more reliability. The price estimate for a new 115 kV system would be \$50-60 million and that amount could be reduced significantly by ISO-NE high voltage regional cost sharing. With this new system, we would also be able to eliminate payments to NSTAR for the 13.8 kV service.

Figure 1-4 Recommended Solution: 115 kV Option



The Solution

All of this research and due diligence has led us to the best possible solution to Belmont's electric delivery problems – the construction of a new 115kV transmission line from Cambridge to Belmont.

1. The new 115kV line would increase capacity significantly – totaling up to 60 MW with expansion possibilities.
2. The new 115kV line would also solve the transient voltage issues currently emanating from the Alewife supply station.
3. The new 115kV line would require less maintenance than the current 40+ year old infrastructure and produce more reliability.
4. The estimated cost of the 115kV is approximately \$50-60 million – roughly \$20 million cheaper than the 13.8kV option. Additionally, the 115kV line is a candidate for industry subsidies which could lower the cost substantially.

Conclusion: The 115kV project is the least expensive and most efficient long-term, viable solution that addresses Belmont's electric needs for the next 40+ years. It is the only solution with potential for shared costs regionally and it is the solution with the lowest impact on Belmont electrical rates.

BMLD Substation Site Selection

The 115 kV Site Selection Committee investigated over 20 potential sites for the proposed substation. The two most viable sites for this project; were 1) 39 Hittinger Street and 2) 20 Flanders Road. The 115 kV Site Selection Committee voted to proceed with the 20 Flanders Road property as the preferred project site.

The 20 Flanders Road property was presented at Town Meeting in November 2009 as the preferred substation site. At that time there was uncertainty surrounding the sale of the property. Since 2009, the uncertainty of the sale of the property has changed and now the owner and tenant are interested in selling and relocating respectively.

A purchase of the Hittinger Street site would result in the following undesirable conditions: 1) a higher purchase price 2) an additional cost for demolishing the existing building, 3) potential project schedule delays due to the current Owner's obligation to address environmental issues and concerns from Department of Environmental Protection (DEP), 4) current Owner's requirement to extend occupancy, 5) location of a substation in a residential area and 6) increased capital costs and schedule extension due to the increase in length of the transmission route.

2.0 Project Capital Cost Estimates/Rate Impacts

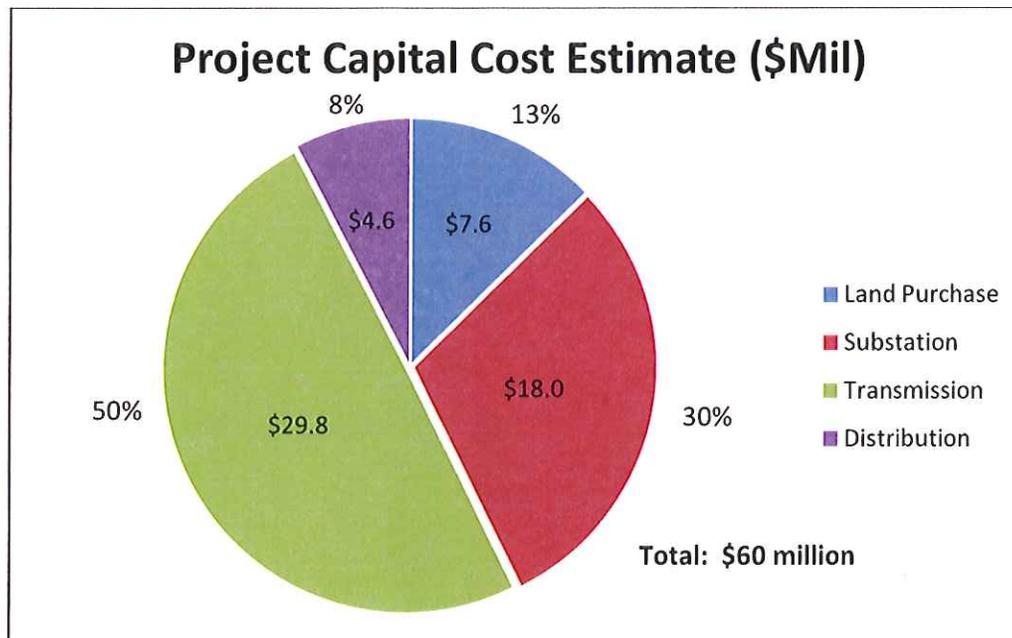
The budget estimates are broken up into four major cost components:

- 1) Land Purchase – The acquisition of land and building demolition.
- 2) Substation – All 115 kV and 13.8 kV high voltage electrical equipment and unoccupied building.
- 3) Transmission – All cables (115 kV) from NSTAR's Alewife substation to the proposed BMLD Substation.
- 4) Distribution – All cables (13.8 kV) leaving the proposed BMLD substation to Concord Ave.

BMLD is requesting a sum of money not to exceed Sixty Million Dollars (\$60,000,000) for the use of the Belmont Municipal Light Department under and pursuant to Chapter 164 to pay the costs of designing, constructing and installing an electrical substation facility and building, associated transmission and/or distribution cables and to acquire land or interests in land for these and other related municipal electrical purposes.

The below estimate can be reduced pending two key decisions concerning the substation site and transmission route. The purchase of 20 Flanders Road instead of 39 Hittinger as the substation site as well as using the MBTA corridor instead of Concord Ave for the transmission route will reduce the budget estimates. The estimated Rate impact to the BMLD customer is approximately \$11-\$14 per month based on the current budget estimates

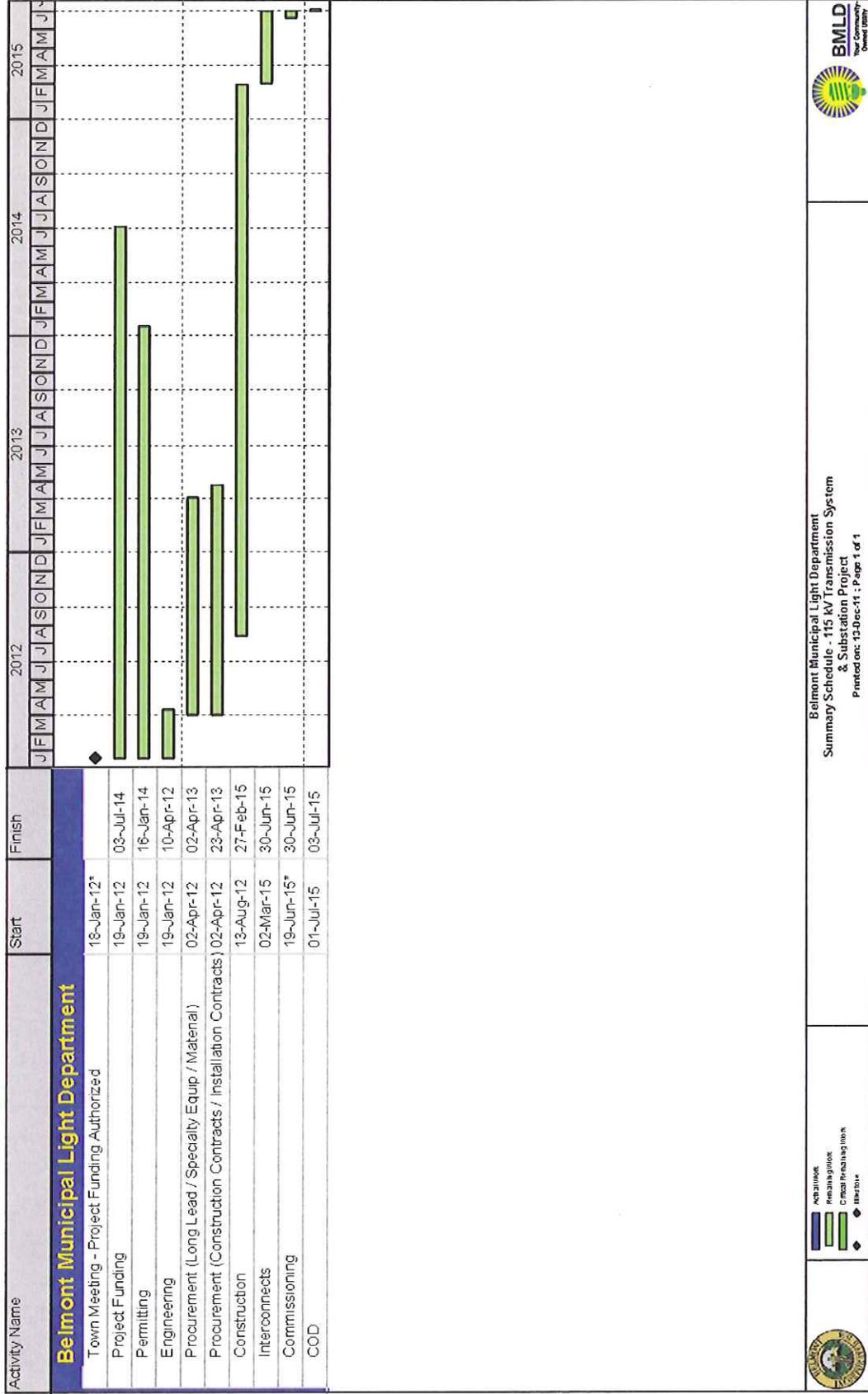
Figure 2-1 Project Capital Cost Estimate



3.0 Schedule

The BMLD 115 kV project implementation time frame from Town Meeting to the target commercial operation date (COD) is approximately 3.5 years with a COD of mid 2015. . Figure 3-1 illustrates the project milestone schedule

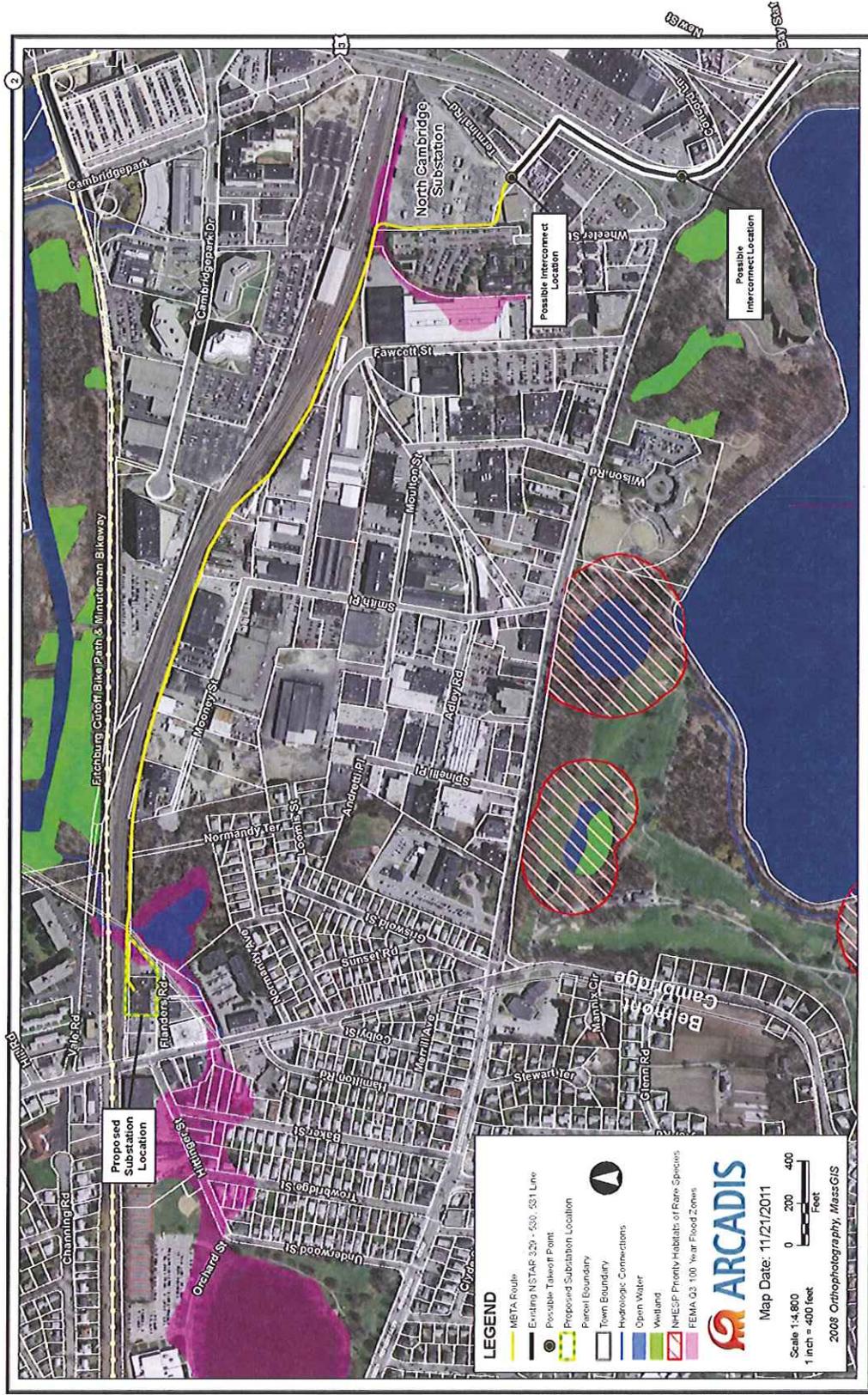
Figure 3-1: Integrated Project Schedule (IPS)



4.0 Graphics/Photos/Drawings

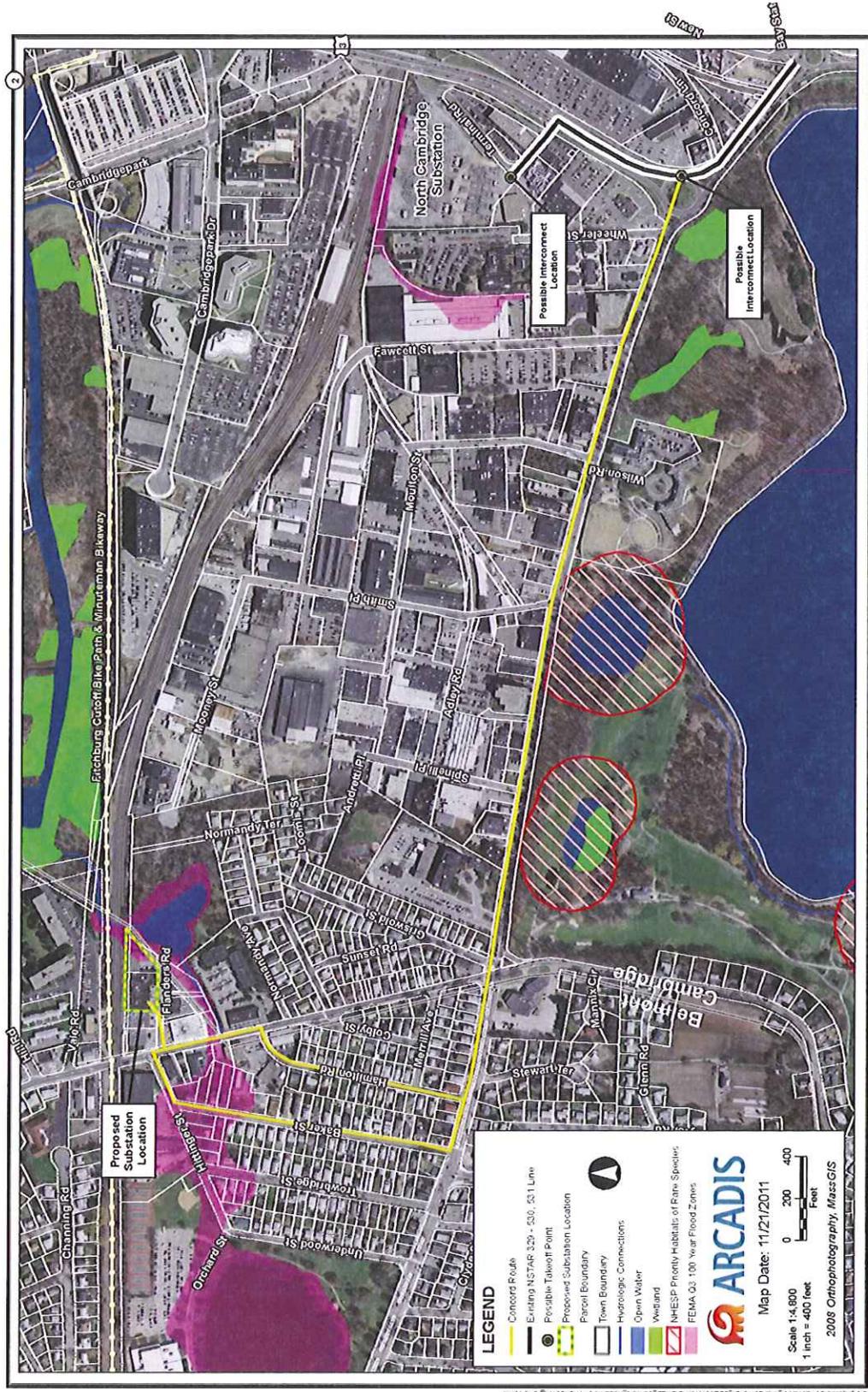
4.1 Transmission Route- Alternative 1

Figure 4-1: Alternate Transmission Route 1 – MBTA Corridor to Belmont



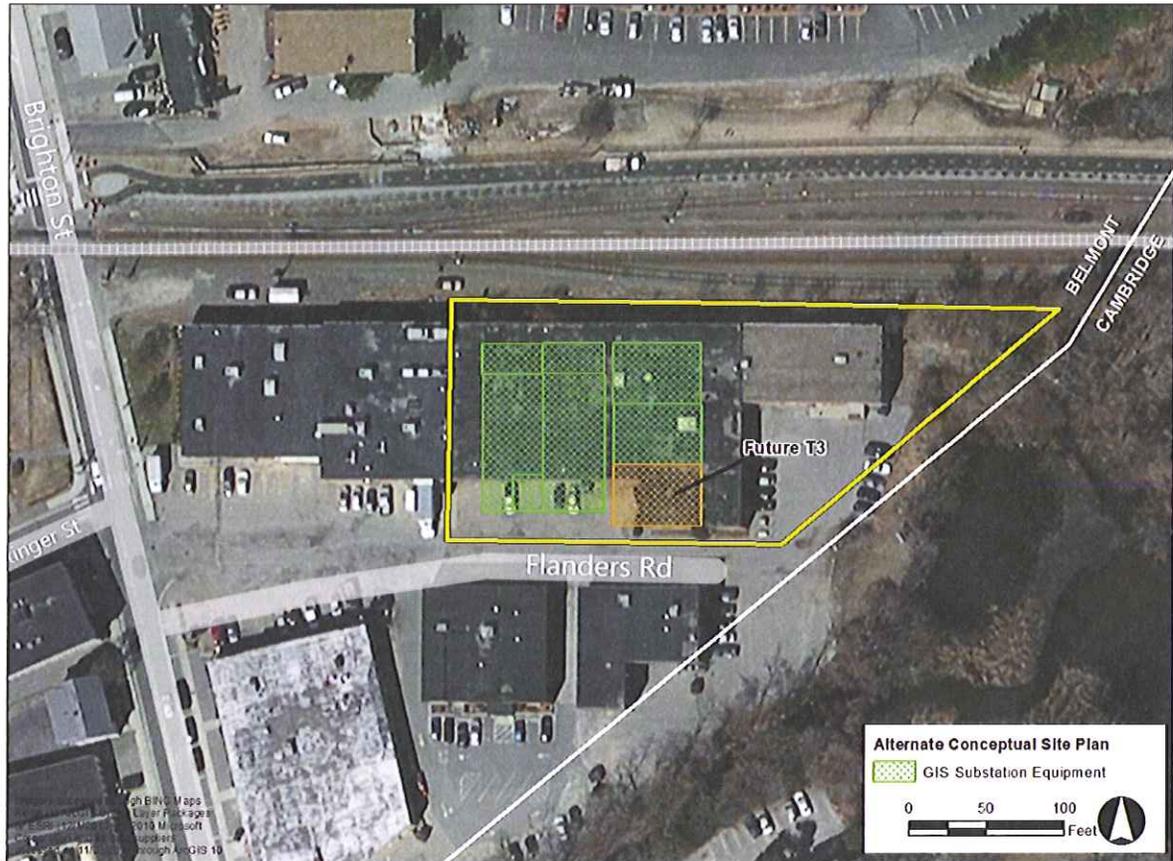
4.2 Transmission Route- Alternative 2

Figure 4-2: Alternate Transmission Route 2 – Concord Ave to Belmont



4.3 Substation Site Demarcation

Figure 4-3: Flanders Road Proposed Substation Site Demarcation



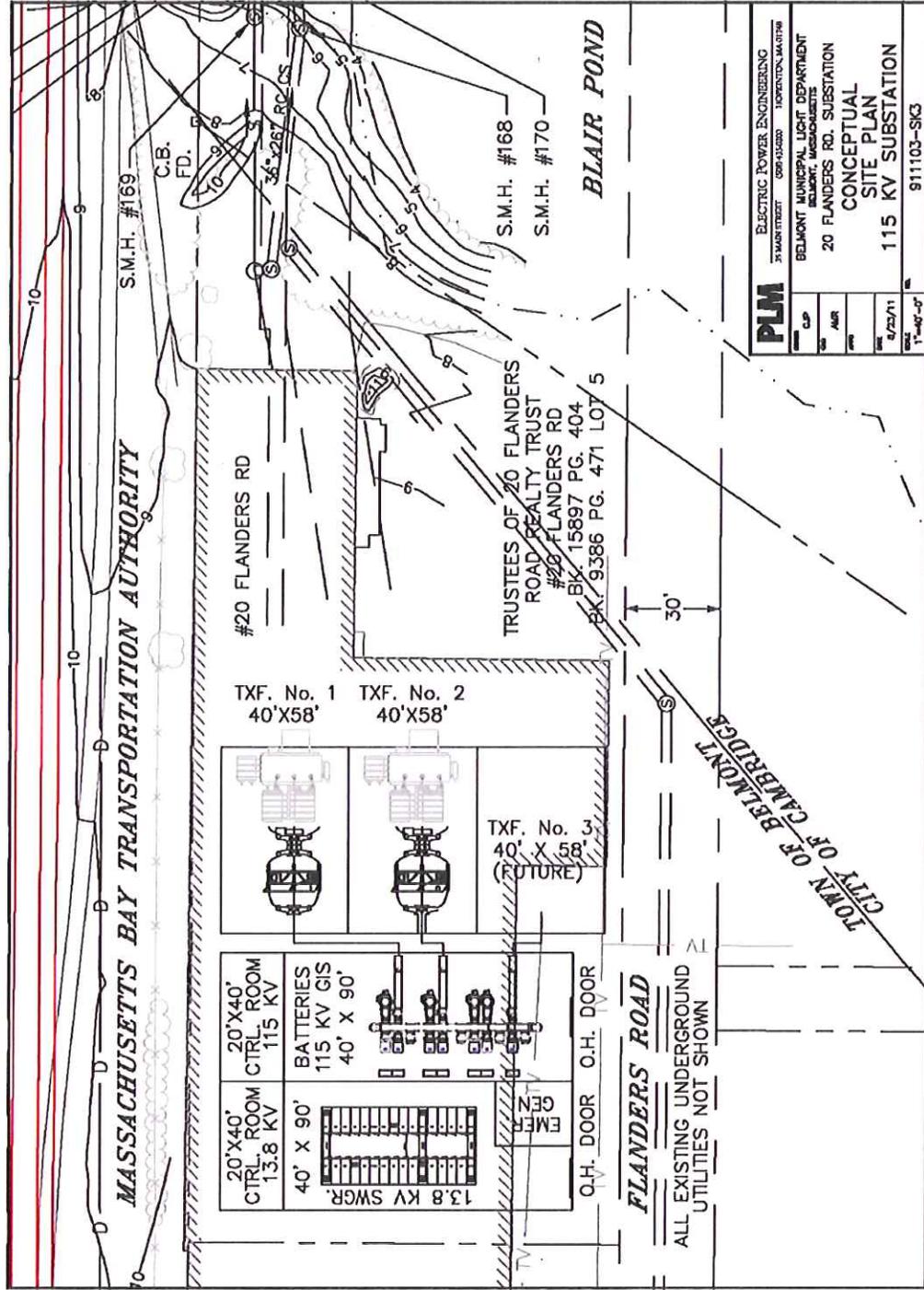
4.4 Architectural Renderings

Figure 4-4: Proposed Substation Architectural Style



4.5 Substation Site Plan

Figure 4-5 20 Flanders Road – Conceptual 115 kV Substation Site Plan



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Can the Historic Clark House Be Preserved?

By Joseph Cornish

The Thomas Clark House has stood at 59 Common Street for 250 years. Now offered for sale for the first time in almost 60 years, this house is one of Belmont's most historic and architecturally intact 18th-century homes. Despite this property's historic status, this home may be threatened by inappropriate alterations or demolition if a preservation-minded buyer is not found.

According to the files of the Belmont Historical Society, this house was built circa 1760 by farmer Thomas Clark for workers who helped raise and harvest his crops. Local tradition maintains that the Clark family witnessed the beginning of America's War for Independence from the hill behind this house, seeing smoke and hearing the sounds of war breaking out on April 19, 1775.

Sometime around the beginning of the 19th century, the Clark family moved into this house after their larger home, located uphill to the west of Common Street, was destroyed by fire. The two-story ell addition attached to the southwest corner of the house was added at this time, and the two-story north wing attached to the northwest corner of the house, known as the "Coach House," was added circa 1840.

Several generations of the Clark family inhabited this house, including Thomas Clark's son Peter. Peter was the oldest living resident in Belmont on March 29, 1859, when, at age 90, he cast the first vote in the newly formed town of Belmont. The property was sold to Dr. Peter and Ann Sifneos in 1954 and it is currently owned by their three children. The Sifneos family has carefully preserved the important exterior and interior features of the house.



SUSAN B. JONES

The Thomas Clark House is one of Belmont's most architecturally intact 18th-century homes.



Fireplace with cooking crane, Thomas Clark House kitchen.

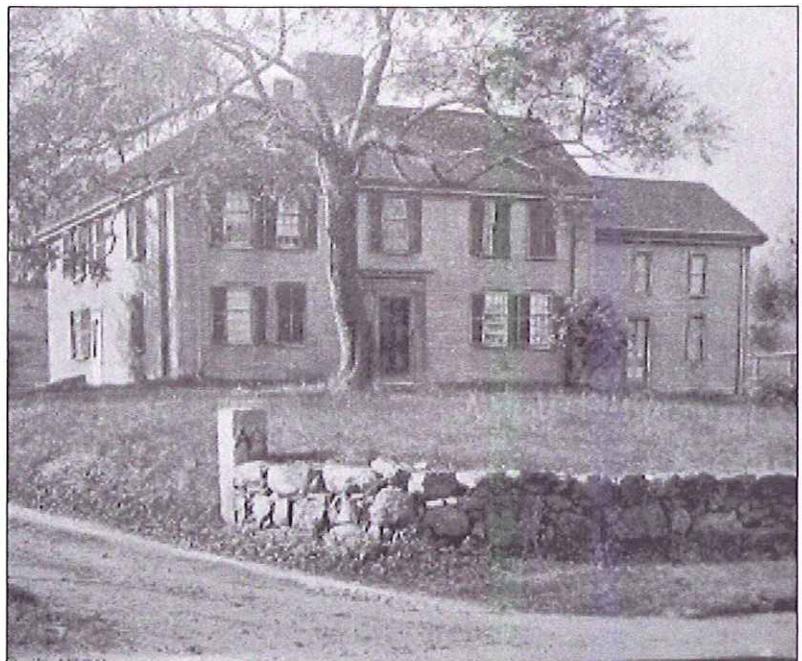
Clark House exemplifies Georgian style

The Clark House is a typical example of the Georgian style of architecture in New England. Its symmetrical five-bay façade facing Common Street boasts a center entry with a Classical door surround consisting of an unadorned entablature resting on two fluted pilasters executed in the Doric order. The massive brick center chimney stack rises from the center of the roof's ridge. An original nine-over-six light window sash with wavy panes of glass remains in place with louvered window shutters that were added in the first half of the 19th century.

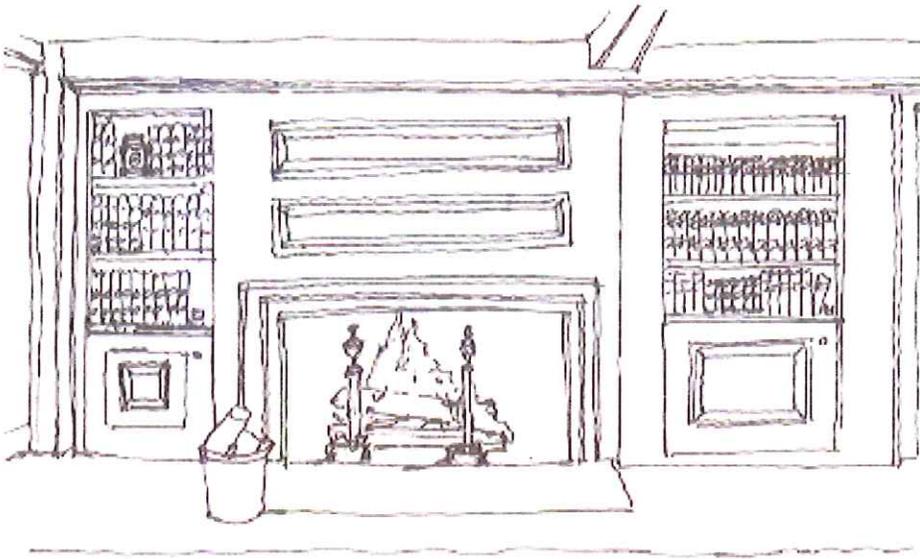
A sense of the past agrarian setting is given by historic stone walls, granite posts marking the original entrance to the farm, and open, gently sloping lawns (once part of the larger pasture lands that surrounded the house in the 18th century). Inside, the entry

stair hall is graced with a three-run staircase with hand-turned balusters. Wide softwood floorboards remain throughout the house and glow with a warm patina that only age and centuries of wear can create. The parlors feature raised-field paneling surrounding the fireplaces, once the only heating source in the house.

The original kitchen fireplace remains in place with its cooking crane and beehive oven. The house sports wrought iron door hardware, including butterfly and HL hinges and Norfolk and Suffolk handles and latches. An early brass doorbell, still in working order, announces the arrival of visitors at the side entry that once opened to a driveway. In the attic, the house's heavy-timber oak frame is visible and is a testament to



A painting of the Thomas Clark House captioned "Thomas Clark House 1760."



The Thomas Clark House library.

the skill of the builders who raised the house in 1760.

Perhaps the most intriguing feature of the house for lovers of historic lore is a hidden chamber located behind the first-floor fireplaces complete with a trap door to the second story. That chamber supports local tradition that this home was once a stop for fugitive slaves on the Underground Railroad.

This home, like many of Belmont's other

surviving early homes from the 17th, 18th, and 19th centuries, is a threatened historic resource in the town. These homes are not located in one of Belmont's two local historic districts, are not listed on the National Register or State Register of Historic Places, and are not subject to preservation restriction easements. Belmont is also home to wonderful, unaltered examples of 20th-century Colonial Revival and

Modern style homes that are not currently protected.

The town could take steps to protect these resources for future generations by raising awareness of the significance of these properties and by taking measures such as creating new historic districts and encouraging private preservation efforts. Otherwise, Belmont risks losing these historic resources.

Joseph Cornish is Senior Stewardship Manager at Historic New England.

MAPC Seeks Input for Bike Path Through Belmont

The Metropolitan Area Planning Council (MAPC) is working to evaluate the potential routes for a bike path between Brighton Street in Belmont and Linden Street in Waltham. There, the path will connect to the bike trail planned by the state Department of Conservation and Recreation to Berlin, MA.

The MAPC has developed a map showing several potential routes through Belmont for a bike path. The map is available at www2.mapc.org/Bikepedmapping/mass-central-rail-trail-alignment-study-basemap-draft.pdf.

The MAPC has sought comments from groups including the Belmont Citizens Forum board, planning staff in Belmont and Waltham, and Channing Road residents, and welcomes input from the general public. Comments on bike path routes can be e-mailed to David Loutzenheiser of the MAPC staff at DLoutzenheiser@mapc.org.

The MAPC plans to release a preliminary report sometime in February.

PROPOSED

Deed description of subdivision plan for Thomas Clark House relocation plan:

A certain parcel of land of approximately 21,950 square feet in area shall be defined as the Thomas Clark House parcel, by the following meets and bounds and as depicted on "Royal Road Subdivision" plan dated 12/01/11 SCHEME 4 by Line Company Architects, Inc. and stamped and sealed by architect Erik Rhodin of Belmont with Massachusetts registration 5571. The Thomas Clark House parcel is a subdivision of the Town of Belmont land as defined by; "Plan of Land in Belmont, MA" by Fred A. Joyce, civil engineer, dated June 9, 1931 and recorded with Middlesex South District Registry of Deeds. The Town of Belmont parcel is approximately 92, 695 square feet and is a strip of land located between Royal Road and The Boston and Maine Railroad. Said parcel shall contain existing sanitary, storm and Wellington Brook culvert easements through the site as shown on recorded plans. Said Thomas Clark House subdivision parcel shall be defined as follows: Starting at the intersection of Royal Road and the center line of the most eastern Wellington Brook culvert easement, then running in northwesterly direction along said center line of culvert approximately 130' to center of Man Hole cover, then running westerly along said center line of Wellington Brook culvert approximately 215' to center of Man Hole cover, then turning 90 degrees at Man Hole cover and running in a southerly direction approximately 75' to intersection of Royal Road, then running easterly along Royal Road approximately 300' to said starting point. The above subdivision parcel shall be released by the Town of Belmont via a public bid to a private development for the sole relocation of the Thomas Clark House with no other subdivisions allowed. Approval of above subdivision shall be via Town Meeting vote and duly recorded. The remainder of the Town of Belmont land shall be left natural for recreational use as currently defined with the inclusion of a proposed bicycle path that will travel through the site from the Lions Club, between the subdivision Clark House parcel and the train tracks, and up to the Clark Street Bridge. Such A bicycle path shall be approved by the appropriate committees and local governing boards and constructed at a later date by the town or other entities.



**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: Town Meeting Members
FROM: Sami Baghdady, Chair, Planning Board
DATE: December 13, 2011

RE: Planning Board Report to the 2012 Special Town Meeting
 ARTICLE 8: Amendment to the Zoning By-Law – Solar Energy Systems

Pursuant to the requirements of Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board hereby submits the following recommendation on Article 8, Solar Energy Systems, to the 2012 Special Town Meeting. The Board held the required public hearing on November 15, 2011. Sitting for the Board was Sami Baghdady, Chair, Michael Battista, Charles Clark, Joseph DeStefano, and Andres Rojas.

This Article seeks to regulate Solar Energy Systems, including defining a Solar Energy System (Part A), requiring a Special Permit for Solar Energy Systems when it is the principal use of the premises or allowing it by-right if it is an accessory use (Part B), and establishing dimensional regulations when installing Solar Energy Systems (Part C).

The Board worked with Town Counsel in drafting the proposed zoning amendments recognizing that Massachusetts General Laws, Chapter 40A, Section 3, allows local communities only to impose 'reasonable regulation' when regulating Solar Energy Systems. The Board worked hard to balance the intent of the state law with the interests of the Town, especially in light of the tight residential nature of the community.

During the drafting and public hearing process, several residents raised concerns that the proposed amendments went too far in regulating Solar Energy Systems even to the point of suggesting that these regulations are not needed. As a result, the proposed amendments before Town Meeting take into account many of these concerns. The Planning Board, however, determined that the proposed amendments were necessary to protect the Town's interests. Therefore,

The Planning Board voted (5-0) to recommend ADOPTION of Article 8.

Questions or requests for additional information concerning this article and recommendation can be directed to the planning staff at the Office of Community Development.

