

TOWN OF BELMONT
WARRANT FOR
2010 ANNUAL TOWN MEETING
APRIL 26, 2010
7:30 P.M.
BELMONT HIGH SCHOOL AUDITORIUM
221 CONCORD AVENUE, BELMONT





**TOWN OF BELMONT
WARRANT FOR 2010 ANNUAL TOWN MEETING
APRIL 26, 2010
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 26, 2010, at 7:30 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 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 so to do, 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: 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 2011 (the Budget) as contained in Article 4.

Majority vote required for passage Yes _____ No _____

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

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2010 and to make the necessary appropriations for the same for the support of schools and for other Town purposes, determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year (FY) 2011 budget, commencing on July 1, 2010. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting.

Majority vote(s) required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 5: 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.

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 FY 2011, the recommended compensation levels are listed below. Please note that the Town Meeting establishes and appropriates the compensation of all other municipal employees under separate articles (Article 10 and Article 4).

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$60,000
Town Treasurer	\$86,548
Chairman of the Board of Assessors	\$2,748
Assessor (1)	\$2,424
Assessor (1)	\$2,424

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

funds for design purposes in order to "leverage" substantial federal transportation funding for major road projects (i.e., Trapelo Road).

Majority vote required for passage Yes _____ No _____

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

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 2011 capital expenditures will be provided in advance of the Annual Town Meeting.

Majority vote required for passage (two-thirds if borrowing) Yes _____ No _____

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

ARTICLE 10: Appropriation for Water and Sewer and Stormwater Services

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service, 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.

Majority vote required for passage (two-thirds for borrowing) Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 11: Authorization of Expenditure from Revolving Funds

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish and authorize the expenditure from revolving funds by various Town Departments, or in any way act thereon.

This article seeks authorization to establish 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. At this time, 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 and program fees	Program costs, including trip expenses	\$50,000
Art Gallery	Belmont Cultural Council	Percentage of art sales	Gallery exhibit and event expenses	\$15,000
Wetlands Protection	Conservation Commission	Filing fees collected under the Wetlands Protection Act	Administration and enforcement of the Wetlands Protection Act	\$10,000
Rock Meadow Maintenance	Conservation Commission	Rental fees from garden plots	Restoration and maintenance of Rock Meadow Conservation Area	\$10,000
Copying/Lost Books	Board of Library Trustees	Lost book fees; printing and copying fees	Replacement of lost books; paper, ink, printer/copier maintenance and replacement	\$10,000

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 12: High School HVAC Bond De-Authorization

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$100,000 that was appropriated under Article 10 of the June 18, 2007 Annual Town Meeting for replacement of the Belmont High School HVAC units, or to do or act thereon.

This article formally rescinds the authority to borrow funds that were not needed for the replacement of the heating/AC equipment at Belmont High School. The project was completed at a total cost of \$900,000 out of the original \$1,000,000 appropriation.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

The Capital Budget Committee will report orally on this Article.

cost. If Belmont's Town Meeting or any of the other 15 towns in the school district vote against this request, the borrowing cannot go forward. If approved, the cost impact to Belmont would not begin until fiscal year 2012.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 16: Warrant Committee Reports on Zoning Articles

To see if the Town will vote to amend the Town of Belmont General By-laws by inserting a new Section 19.3 and renumbering accordingly as follows:

"19.3 Should the Committee elect to report to Town Meeting on any warrant article setting forth a proposed amendment to the Belmont zoning by-law, the Committee chair shall, within no more than seven (7) days after the close of the Planning Board hearing concerning the proposed amendment, deliver to the Planning Board a finding that the proposed zoning by-law amendment will have a positive, negative or neutral impact on Town finances or a finding that the Committee lacks a sufficient basis to determine the impact on Town finances. The finding shall include a statement of the facts upon which the Committee bases its finding along with a report of the Committee vote on the finding, including the number in favor and against the same. A written copy of the finding shall be provided to Town Meeting as part of the Planning Board report to Town Meeting regarding the proposed zoning by-law amendment. Nothing in this section shall be construed so as to prevent the Town from amending its zoning by-law or taking any other action according to law, without the matter having been acted upon and a finding and report made thereon by the Committee."

, or in any way act thereon.

This article seeks to modify the method by which the Warrant Committee reports on warrant articles setting forth proposed amendments to the Belmont zoning by-law. While the article does not mandate a Warrant Committee report on zoning by-law amendments, should the Committee elect to make such a report, the Committee report shall contain prescribed information and shall be delivered first to the Planning Board to be included in the Planning Board report to Town Meeting. Because it was presented as a valid citizen's petition, by law the text of this article is exactly as was presented in the petition.

Majority vote required for passage Yes _____ No _____

The By-law Review Committee recommends unfavorable action.

ARTICLE 17: Reports to Town Meeting

To see if the Town will vote to amend the Town of Belmont General By-laws by inserting a new Section 2.7.4 and renumbering accordingly as follows:

"2.7.4 Upon a written motion by no fewer than ten Town Meeting Members, in a format prescribed by the Moderator, Town Meeting shall consider a request to require any elected municipal board or commission, or any elected Townwide official, to prepare a written report containing specifically requested information by a date certain, so long as that date is no sooner than ninety (90) days subsequent to the date on which Town Meeting votes to approve the

Majority vote required for passage Yes _____ No _____

ARTICLE 23: Quarterly Tax Billing

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form:

“AN ACT RELATIVE TO QUARTERLY TAX BILLING 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. Chapter 195 of the Acts of 2004 is hereby repealed.

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

, or in any way act thereon.

This article would repeal the special state law governing the Town’s ability to issue quarterly tax bills. The law was designed to allow the Town to send one estimated bill and three actual bills; however, it has so far not been possible to implement this change, so repealing the law will legally return to the current practice of sending two estimated and two actual bills.

Majority vote required for passage Yes _____ No _____

ARTICLE 24: Zoning Amendment – Floodplain District

To see if the Town will vote to amend the Town of Belmont Zoning By-law in Section 2.4 “Floodplain District Delineation” and Section 6.6 “Floodplain District” as follows:

In Section 2.4 “Floodplain District Delineation” by deleting the entire section and replacing it with the following new Section 2.4 “Floodplain District Delineation”:

“2.4 Floodplain District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Belmont designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Belmont are panel numbers 25017C0412E, 25017C0414E, 25017C0416E, 25017C0418E and 25017C0419E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.”;

and in Section 6.6 “Floodplain District” by striking and replacing the following language:

In Section 6.6.2 “Definitions”, under the definition “FLOOD HAZARD BOUNDARY MAP (FHBM)”, by striking the wording “Zone A or E” and replacing it with the wording “Zone A or Zone AE”;

In Section 6.6.4 "Requirements", by striking the wording "780 CMR 3107 of the Massachusetts State Building Code" and replacing it with the wording "780 CMR 120.G of the Massachusetts State Building Code", and by striking the wording "302 CMR 6.00, Inland Wetlands Restriction, Department of Environmental Protection" and replacing it with the wording "310 CMR 13.00, Inland Wetlands Restriction, Department of Environmental Protection";

In Section 6.6.5 "Floodway Requirements", subsection a) "Floodway Data", by striking the wording "In Zone A, A1-30 and AE" and replacing it with the wording "In Zone A and Zone AE",

or in any way act thereon.

This article would update the sections of the Zoning By-law that reference the Floodplain District to reflect changes in the Middlesex County Floodplain Map and in the state regulations which pertain to the Floodplain District.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 25: Zoning Amendment – Outdoor Seating and Parking Requirements

To see if the Town will vote to amend the Town of Belmont Zoning By-law in Sections 1.4 "Definitions and Abbreviations" and 5.1 "Off-Street Parking and Loading", as follows:

In Section 1.4, 'Definitions and Abbreviations', by inserting after the definition "Other Retail Sales and Services" a new definition as follows:

***"Outdoor Seasonal Seating – Outdoor seating that is provided on a seasonal basis in an area contiguous to a restaurant to which the seating is associated."**;*

and in Section 5.1.2 "Schedule of Requirements", subsection d) "Restaurant", by adding at the end of the subsection the wording "For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity", so that the bylaw reads as follows:

5.1 "Off-Street Parking and Loading

5.1.2 Schedule of Requirements

d) Restaurant: one parking space per 2 persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.

, or in any way act thereon.

This article would amend the Zoning By-law to exempt seasonal outdoor seating from the total seating capacity used to determine parking space requirements for a business.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 26: Residential Building Setback Line Removal

To see if the Town will vote to discontinue the building set back lines in the residentially zoned districts of the Town, as voted at prior Town Meetings, as follows, or in any way act thereon:

STREET NAME	MAP AND PARCEL NUMBER
Acorn Street	5-44 through 5-45, 5-61 through 5-62
Belmont Street	3-147, 3-197 through 3-204
Berwick Street	1-117, 1-126 through 1-136
Blanchard Road	21-25, 21-94 through 21-96, 21-102 through 21-103A, 21-139 through 21-141B
Bright Road	21-1 through 21-11, 21-25, 21-33 through 21-39, 21-50 through 21-71, 21-123
Common Street	6-53 through 6-55, 6-63 through 6-68, 6-76, 6-101, 6-126 through 6-127, 6-171 through 6-173, 6-178, 16-1 through 16-8, 16-103 through 16-106, 17-30A, 17-34 through 17-35, 17-65, 17-74 through 17-81, 17-116 through 17-119, 18-13, 18-28 through 18-29, 18-48 through 18-49, 18-60 through 18-61, 18-81 through 18-83, 18-103 through 18-104, 18-130 through 18-131, 18-137 through 18-139, 24-60A through 24-62, 25-6 through 25-10, 25-26 through 25-29, 25-44, 31-12, 31-25 through 31-27, 31-38 through 31-42
Concord Avenue	22-177 through 22-187, 36-3
Cushing Avenue	5-18 through 5-20, 5-57 through 5-58, 5-85 through 5-87, 5-108 through 5-110, 5-116 through 5-118, 6-205 through 6-206, 6-215 through 6-216, 6-222 through 6-232
Dartmouth Street	1-137 through 1-144, 1-147 through 1-157
Elm Street	8-52 through 8-57
Exeter Street	1-11 through 1-14, 1-18 through 1-22
Fairview Avenue	1-117 through 1-118, 1-130, 1-144 through 1-147, 1-167 through 1-168, 2-39 through 2-42, 2-73 through 2-74, 10-79A through 10-80, 10-97 through 10-98, 11-1, 11-4
Falmouth Street	2-42 through 2-44, 2-51 through 2-59, 2-62 through 2-73
Goden Street	18-71, 18-169 through 18-186, 19-5 through 19-8, 19-115 through 19-132
Grove Street	10-99 through 10-100
Hillside Terrace	8-47
Lawndale Street	3-148 through 3-149, 3-148A, 3-179 through 3-195
Lexington Street	15-170 through 15-175A, 15-193A through 15-195, 15-201 through 15-203A, 15-212, 15-219 through 15-221, 28-47 through 28-54, 28-81 through 28-84, 28-171 through 28-175
Marlboro Street	1-52 through 1-61, 1-65 through 1-74, 1-158 through 1-167, 1-169 through 1-180
Oak Avenue	5-58 through 5-85, 6-195 through 6-196, 6-216 through 6-222
Oakley Road	3-162 through 3-163, 3-178 through 3-179, 3-195 through 3-197, 4-35 through 4-38, 4-79 through 4-84, 5-1 through 5-18, 6-1A, 6-1 through 6-5, 6-150 through 6-151, 6-199 through 6-205, 7-12 through 7-13, 7-38 through 7-40, 7-68A, 7-68 through 7-74
Oxford Avenue	1-41 through 1-50, 1-181 through 1-189, 1-193 through 1-198
Oxford Circle	1-198 through 1-199
Park Road	2-14 through 2-22, 2-28 through 2-39

Payson Road	3-147 through 3-153, 4-1 through 4-7, 4-21 through 4-22, 4-27 through 4-28, 6-151 through 6-171, 6-179 through 6-199, 7-74 through 7-80, 7-90 through 7-97, 8-48 through 8-51
Payson Road/Elm Street	3-100A
Pine Street	5-20 through 5-37, 5-42 through 5-57, 6-197 through 6-198, 6-206 through 6-215
Pleasant Street	34-126 through 34-130, 34-149 through 34-150A, 34-152 through 34-160, 44-127 through 44-134, 45-37A, 45-37 through 45-41, 45-42A, 45-43, 46-32, 46-39 through 46-42, 46-57 through 46-58, 46-62, 46-104, 47-1 through 47-9, 47-32 through 47-33, 47-87 through 47-95, 48-6 through 48-8, 57-1A, 57-1 through 57-8
School Street	2-156 through 2-166, 3-2 through 3-22, 8-1 through 8-11, 8-28 through 8-29, 9-125 through 9-126, 9-228 through 9-245, 19-1, 19-14 through 19-15, 19-24 through 19-31, 19-40, 19-46, 19-70 through 19-76, 20-100A, 20-103 through 20-104, 20-133 through 20-139, 23-38 through 23-43, 23-46, 23-60 through 23-71, 23-77, 23-93 through 23-95, 23-113 through 23-115, 24-1B, 24-7 through 24-14, 24-16, 24-31 through 24-32, 24-52 through 24-55, 24-56A, 24-62, 24-65 through 24-67
Spruce Street	5-10 through 5-11, 5-28 through 5-29, 5-49 through 5-50, 5-65 through 5-66
Trapelo Road	5-1, 5-38 through 5-42, 5-72 through 5-73, 5-98 through 5-101, 12-112 through 12-129, 12-154 through 12-155, 12-175 through 12-177, 12-194 through 12-195, 12-214 through 12-221, 13-12 through 13-14, 14-1, 14-180, 14-242, 14-251 through 14-252
Unity Avenue	1-50 through 1-52, 1-74 through 1-84, 1-125 through 1-126, 1-136 through 1-137, 1-157 through 1-158, 1-180 through 1-181, 2-36 through 2-37, 2-44 through 2-51
Washington Street	6-1A, 6-27 through 6-28, 6-34 through 6-36, 6-51 through 6-53, 7-1 through 7-12, 8-94 through 8-95, 9-151 through 9-158, 9-223 through 9-228, 18-139 through 18-142, 18-144 through 18-147, 18-151 through 18-154, 18-160 through 18-161, 18-168 through 18-169, 19-61 through 19-70, 19-132 through 19-133, 20-75 through 20-76, 20-111 through 20-112, 20-126, 20-139 through 20-142, 21-1, 21-24
White Street	15-12 through 15-19, 15-57 through 15-59, 15-77 through 15-79, 15-106 through 15-107, 15-114 through 15-115, 15-127 through 15-128, 15-146 through 15-147, 15-149 through 15-152, 15-159 through 15-165, 15-182 through 15-193, 27-128 through 27-129, 27-133A through 138, 27-155A
Willow Street	5-87 through 5-98, 5-103 through 5-108

This article would repeal decades-old residential building setback requirements that were created before the Town had zoning. Removing these requirements would eliminate any confusion or contradictions with the Zoning By-law which governs such matters.

Majority vote required for passage Yes _____ No _____

ARTICLE 27: Resolution – Comprehensive Plan

To see if the Town will vote to adopt the following resolution, or in any way act thereon:

“WHEREAS, the Town of Belmont has not had a Comprehensive Plan to guide its growth and development since 1963; and

WHEREAS, the Town Meeting adopted “A Working Vision for Belmont’s Future” on April 23, 2001; and

WHEREAS, guided by that Vision, the Planning Board, bringing together many Town boards, committees, commissions, departments, property and business owners and residents, has prepared a Comprehensive Plan to provide a framework for making decisions and setting policies concerning land use issues and to preserve our quality of life as an economically, environmentally and socially sustainable community in the 21st Century, therefore be it

RESOLVED, that the Town of Belmont:

ENDORSES the Land Use Vision for the Future where:

- Neighborhoods, village centers, parks and playgrounds are interconnected through a network of roads, sidewalks, public transit and open space pathways;*
- Safe pedestrian and bicycle routes provide access to commercial centers, schools and other public amenities, and regional transit, reducing reliance on the automobile;*
- Open spaces and vistas provide connections to the beauty of the natural world, preserve a sense of light and space, and offer places for community gathering and interaction;*
- The unique character of each neighborhood, both residences and the business areas that serve them, is recognized and enhanced;*
- Appropriate improvements and renovations increase property values, increase energy efficiency, and provide a broad range of housing to meet the needs of 21st Century households;*
- Tree lined streets, yards and small open spaces provide breathing room and beauty in neighborhoods;*
- Commercial centers are revitalized through public improvements and redevelopment of underutilized properties;*
- New developments support vibrant businesses and lively streetscapes, and offer smaller housing options with easy walking access to goods, services and transit;*
- Historic properties and aspects of the Town are preserved and are complemented by new buildings and growth which sustain the Town’s character while serving the needs of new generation; and*

ENDORSES the primary goals recommended by the Comprehensive Plan as steps to achieving the vision, including:

- Enhance connections through open space, pedestrian and bicycle infrastructure;
- Improve and promote public transit;
- Expand housing choices;
- Reinforce Belmont's neighborhoods through natural and historic resource protection;
- Refocus control of future development on design guidelines and review;
- Revitalize commercial centers through public and private investments;
- Clarify the land use vision for each commercial district;
- Allow economically viable development which complements the Town's historic character;
- Link public facilities and financial planning to land use priorities; and

SUPPORTS the decision of the Board of Selectmen and the Planning Board to adopt the Comprehensive Plan, "A Vision for Belmont: Mapping a Sustainable Future," for the Town pursuant to Chapter 41, Section 81D of the Massachusetts General Laws."

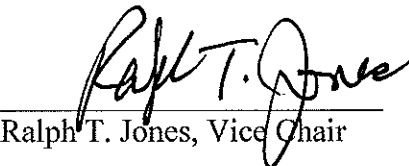
This article would adopt a resolution endorsing the goals of the Comprehensive Plan.

Majority vote required for passage Yes _____ No _____


Given under our hands this 15th day of March, 2010.

BOARD OF SELECTMEN


 Daniel C. Leclerc, Chair


 Ralph T. Jones, Vice Chair




 Angelo R. Firenze