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MINUTES
MONDAY, APRIL 30, 2018
BOARD OF SELECTMEN
TOWN HALL
455 CONCORD AVENUE
BELMONT
8:00 A.M.

APPROVED
BOARD OF SELECTMEN
DATE: 05-30-18

I. CALL TO ORDER

A regular meeting of the Board was called to order in open session at 8:11 a.m. by Chair Adam Dash on Monday, April 30, 2018 and introduced Vice Chair Mark Paolillo and Selectmen Tom Caputo.

II. COMMUNITY ANNOUNCEMENTS

III. COMMENTS FROM TOWN RESIDENTS

IV. ACTION BY CONSENT

8:00 A.M. Discussion and Vote on Segment "A" Annual Town Meeting Warrant Articles and Amendments Annual Town Meeting scheduled to begin on April 30, 2018 at 7PM

Article 1 "Reports" and **Article 2** "Authorization to Represent the Town's Legal Interests" required no vote by the Board of Selectmen.

Article 3 to "Amend General Bylaws: Establish Thaddeus Frost House Historic District" was presented by the representative for the proponent who reviewed the request by the owner of the home seeking to preserve the property and style of the farm house.

Move to recommend favorable action on Article 3.

The motion passed unanimously (3-0).

Article 4 to Amend Zoning By-law: General Residence Zoning District, Sunset Clause.

Charles Clark, Chair of the Planning Board reviewed the proposed Article submitted by the Planning Board to delete the sunset clause provision of June 30, 2018 for new construction in General Residence zoning. The Planning Board approves special permit sit plan and design review which allowed public comment and community voice in the process.

Selectman Tom Caputo asked whether the Planning Board had considered accelerating the schedule of applications for special permit in response to concerns from residents and developers that the process was too lengthy. Charles Clark explained that before a proposed site plan is submitted to the Planning Board, the office staff of Community Development has informed the applicant regarding what is allowed or not allowed to be considered. Developers have responded

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to this process and the result is that only one or two meetings have been required before the proposal is presented to the Planning Board for consideration.

Move to recommend favorable action on Article 4.

The motion passed unanimously (3-0).

Article 5 to Amend Zoning By-law: General Residence Zoning District.

Charles Clark presented information on Article 5 regarding preexisting non-conforming structures that may be altered through Special Permit by the Zoning Board of Appeals (ZBA) with a finding by the ZBA that the change is not more detrimental to the neighborhood than the existing non-conforming structure. If the proposed change increases the gross floor area by a maximum of 300 square feet, then it requires a Special permit from the Zoning Board of Appeals (ZBA). If the proposed change increases the gross floor area by more than 300 square feet, then it requires a Special permit from the Planning Board.

Proposals for non-conforming dormers or porches can trigger the need for site plan review by the Planning Board, however, the majority of dormers proposed by applicants are allowed without review by the ZBA because the proposal complies with the linear requirements. There have been 16 instances since 2016 of Special Permit.

Move to recommend favorable action on Article 5.

The motion passed unanimously (3-0).

Article 6: Citizens' Petition: Single Use Plastic Check-Out Bags has been withdrawn by the Citizens' Petitioner. Article 6 had designated the Board of Health to enforce bylaw compliance. The proposed Article 7 to Amend General Bylaws: Plastic Bags was created by the Board of Selectmen to designate enforcement by the Recycling Coordinator.

Article 7: Amend General Bylaws: Plastic Bags was reviewed by Chair, Adam Dash. Effective November 1, 2018 or within six months following satisfaction of posting and publication of the bylaw change, stores that have greater than 30,000 square feet of area are prohibited from single use plastic check-out bags. February 1, 2019 is the effective date for stores that have less than 30,000 square feet of area are prohibited from single use plastic check-out bags. There is an exemption for certain types of products such as wet foods or dry cleaning bags.

Move to recommend favorable action on Article 7.

The motion passed unanimously (3-0).

Town Administrator reported that the proposed order of Articles for the Annual Town Meeting on May 2, 2018 is Article 10: FY19 Community Preservation Committee Budget and Projects, Special Town Meeting, Article 8: Amend Zoning By-Law: Marijuana Establishment Extend Temporary Moratorium and Article 9: Marijuana Sales Tax.

Article 10: FY19 Community Preservation Committee Budget & Projects

Veterans Memorial Project

Margaret Velie, Chair of the Community Preservation Committee (CPC) described the Veterans Memorial Project funding request recommended by the CPC for Town Meeting approval. The funding request is Historic Preservation and meets the defined requirements for work including stone walls, plaque and path restoration in the amount of \$103,000.

Move to recommend favorable action on Belmont Veterans Memorial project of Article 10.

The motion passed unanimously (3-0).

Payson Park Music Festival Stage

Margaret Velie, Chair of the Community Preservation Committee (CPC) described the project requesting cost for design of the Bandstand proposed to shelter the concert/band members that is ADA compliant and includes electrical service. There are up to 15 concerts per season and these events are entering the 27th year. The design service cost requested is \$5,000.

Move to recommend favorable action to fund Architect services for Payson Park Music Festival Bandstand as proposed in Article 10.

The motion passed unanimously (3-0).

Town Field Playground Restoration

Margaret Velie, Chair discussed the project for Town Field Playground sponsored by Friends of Town Field Playground for rehabilitation by removing and replacing playground equipment and three sides of fence will be upgraded for a cost of \$180,000. However, the request has been modified to request the design services for this scope of work at a cost of \$25,000. It is requested that the Board of Selectmen consider favorable recommendation.

Move to recommend favorable action on the project requesting \$25,000 for the design for fencing and equipment at the Town Field Playground as proposed in Article 10.

The motion passed unanimously (3-0).

Construction of Grove Street Park Intergenerational Walking Path

Ms. Velie reviewed the proposed project to fund Construction of an Intergenerational Walking Path at the Grove Street Park. During the 2017 Annual Town Meeting \$35,000 was approved for design of improvements to this Park. The request of \$780,087 for the 2018 Annual Town Meeting is requested for construction of the 6' wide path, landscape, batting cages, ADA entrances to make the facility accessible for all users.

The neighborhood groups and users of the facility have been engaged throughout the process over the two years and support the improvements as proposed.

Move to recommend favorable action for the project funding from Open Space Recreation in the amount of \$780,087 for construction of Grove Street Park Intergenerational Walking Path as proposed in Article 10.

The motion passed unanimously (3-0).

Funds Set Aside to Housing Trust

Ms. Velie was joined at the meeting by Judy Feins, Co-chair of the Housing Trust to provide information on the Funds Set Aside to the Housing Trust. The Housing Trust approved the Housing Plan submitted on April 27. The proposed Community Preservation Act Grant Agreement for the Belmont Housing Trust between the Housing Trust and the Town is being reviewed by Town Counsel. It is structured so that funds will not leave the Community Preservation account until there is a proposal for closing on a property as described in the application. The contract allows for up to a 30 month term for projects to close and funds to be expended.

The use of the funds will be determined by the Housing Trust who will request funds for distribution by project to the Community Preservation Committee (CPC) and Treasurer.

The Board of Selectmen will vote after Counsel complete review of the draft, then the Housing Trust will vote, and finally, the CPC will vote. The amount requested for this project is \$250,000.

Move to recommend favorable action for the Housing Trust Set Aside project in the amount of \$250,000 as proposed in Article 10.

The motion passed unanimously (3-0).

McLean Barn Stabilization

Ms. Velie was joined at the meeting by Ellen O'Brien Cushman, Chair of the Land Management Committee for Lone Tree Hill Conservation Land and Spencer Gober, Assistant Town Planner representing the Office of Community Development and the Historic District Commission to discuss the project for McLean Barn Stabilization under the fund category of Historic Preservation. The Barn is in the National Register of Historic Places and the MA Historical Commission's Cultural Resources database as an element of the McLean Hospital National Register District.

In 1999, an Agreement between the Town of Belmont and McLean Hospital Corporation when the Town acquired the Barn, it would be preserved consistent with the historically significant features of the McLean farm. Conveyance of the land to the town took place in 2005 and required that the resource be protected by Conservation Restrictions held by Trustees and administered by the Historic District Commission. The preservation has not been done to date and the property will continue to deteriorate without funding for implementing emergency work that will stabilize the building envelope, protect the structure from weather, animals, and vandalism. Although, there is no provision in the agreement to enforce the term, but the Town did accept the obligation.

Elimination of invasive growth has been accomplished to make the structure visible and discourage vandalism. The Historic Preservation effort requested would consist of efforts to protect the barn structurally and enclose openings to allow additional discussion and decision for its future purpose such as environmental education, storage of materials and equipment associated with management of the area, and office space for staff of the cemetery or premises.

There is support from various groups and town offices, boards, and commissions. The project would include contracting services of a consultant, to assess the condition, enclose and protect the Barn until a future use is determined and funded in a separate effort.

Chair Dash mentioned that the Underwood Pool recreation facility and the McLean Barn were specific examples of Town resources that would benefit from funding allowed by the Community Preservation Act when the Town voted to accept the Act. He also explained that the Warrant Committee did not support the project due to the unknown question about future use.

Move to recommend favorable action for the McLean Barn Stabilization project in the amount of \$175,000 as proposed in Article 10.

The motion passed unanimously (3-0).

Article 11: Citizens' Petition: Amend General Bylaws to Increase Membership of Board of Selectmen from Three to Five has been withdrawn by the Citizens' Petitioner.

Article 13: Citizens' Petition: Amend General Bylaws 30-115 Procedural Rules has been withdrawn by the Citizens' Petitioner.

Discussion and Vote on Special Town Meeting Warrant Article and Amendments

Article 1: Amend General Bylaws: Opt-out Regarding Marijuana Establishments

Julie Crockett, Precinct 5 Town Meeting Member supported the position that if the proposed article to opt-out of the legislation allowing marijuana establishments passed, then the Board of Selectmen should support a Town ballot for voters. If the Selectmen did not support a Town ballot question, then 500 registered voter signatures would be needed to be collected within seven business days to compel the Selectmen to place the question on the ballot.

Town Clerk, Ellen O'Brien Cushman explained that certified language as voted by Town Meeting will compel the Selectmen to place the question on a ballot. Special Town Meeting allows the Town to call for an election for ballot question earlier than the petition process. Within ten days of the vote by Town Meeting, the Board of Selectmen is required to meet and decide whether to place the question on a ballot and schedule an election within 35 days, but the local question cannot be added to a national election ballot.

The cost of an election is \$10,000 and included in her department budget.

Julie Crockett stated that Citizen Petitioners want to work with the Board of Selectmen about scheduling. Ms. Crockett requested that the Board of Selectmen abstain from a recommendation to Town Meeting on Article 1.

Chair Dash asked Ms. Crockett why she took the position that the Town should opt-out.

Julie Crockett stated that Town Meeting Members would not know how constituents would want representation regarding the establishments. Although a wide group of people would vote favorable for legalization, but unfavorable on local establishments.

Chair Dash mentioned the regulations that would be available to the Town of Belmont regarding local establishments including taxation, zoning, and regulations by the Board of Health and the required agreement between the Town and the establishment owner.

Ms. Crockett stated that parents are concerned.

Town Moderator, Mike Widmer explained that if Article 1 passed Town Meeting, then, the Board of Selectmen would determine whether a ballot is called by the Board of Selectmen or by petition and signatures. The ballot question would be regarding the opt-out of all MGL Ch. 94 Section 3 (a) (2) but not a list of exclusions and allow the voters to speak. The question at this point is whether the voters already have “spoken” or do they need another opt-out vote.

No vote was taken by the Board of Selectmen on Article 1 of the Special Town Meeting.

Amendments 1-7

Emma Thurston, Precinct 1 is the sponsor of the Amendments to Article 1 and discussed the amendments as follows:

- Opt-out of all marijuana establishments except Retail
- Opt-out of all marijuana establishments except Retail, sunset on 12/31/2021
- Opt-out of all marijuana establishments except Cultivation
- Opt-out of all marijuana establishments except Cultivation, sunset on 12/31/2021
- Opt-out of all marijuana establishments except Testing Facility
- Opt-out of all marijuana establishments except Testing Facility, sunset on 12/31/2021
- Limit the number of marijuana establishments to 20% of the liquor licenses

No vote was taken by the Board of Selectmen on Article 1 of the Special Town Meeting.

Chair Dash explained that Article 8 and Article 9 would be discussed at the 5PM meeting of the Board of Selectmen before Annual Town Meeting.

Article 12: Citizens’ Petition: Home Rule Petition to Increase the Number of Members of the Board of Selectmen from Three to Five.

Ralph Jones, Precinct 3 and Judy Feins, Precinct 5 were members of the Study Committee appointed by Town Moderator, Michael Widmer. They reviewed the study committee process and recommendations regarding the number of members of the Board of Selectmen. Mr. Jones reminded everyone that there was no directive to study the Administration of the Town but exclusively, to study whether the number of Selectmen change from three to five members. The Study Committee surveyed former Belmont Board of Selectmen members and found that there was a sense that they were able to do the job with three Selectmen members.

Judy Feins stated that there was not a negative to increasing the Selectmen to five members. The Study Committee spoke with towns comparable to Belmont that have five member Board of Selectmen. The Town of Hanover had recently increased the number of Selectmen members and were told that the decision had been beneficial and allowed more open contact to the community.

The Town Administrator/Town Manager question had been reviewed in the 2011 Division of Local Services (DLS) study of Belmont. The DLS study recommended the Town of Belmont consider creating a position of Town Manager, but Town Meeting Members voted down the proposed change.

Ralph Jones commented that the number of Selectmen increased to five, the Selectmen would be more hands-on for Town Departments and not policy making or involved in operation or management of the Town. He mentioned that the Town of Ayer increased the number of Selectmen members from three to five and then returned to three.

Vice Chair Paolillo mentioned that the 2011 DLS report had recommended that the Town create a Blue Ribbon Charter Commission for Charter deliberation. This study would ask whether the governing structure needed change and included review of the elected offices of Town Clerk, Treasurer and Light Board.

Chair Dash inquired as to whether there would be diversity with the number of Selectmen members at five.

Selectman Caputo stated that the study committee created by Town Meeting in 2017 was not a comprehensive review, only one aspect of the Board of Selectmen.

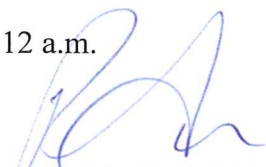
Jim Williams, former Selectmen asked that the Board of Selectmen delay the vote to take a position on Article 12 until the Board of Selectmen meeting at 5PM this evening. Mr. Williams explained that he favored increasing the number of Selectmen members to seven, but he was not appointed to the Study Committee.

Move to recommend unfavorable action on Article 12.

The motion passed unanimously (3-0).

Next Meeting: April 30, 2018 5:00PM BHS (Belmont High School) Conference Room

The Board moved to adjourn the meeting at 10:12 a.m.



Patrice Garvin, Town Administrator