

**Bylaw Review Committee by Zoom
Meeting Minutes
March 13, 2023 7 PM**

DATE: May 12, 2023
TIME: 8:37 AM

Members attending: Bob McGaw, Bob Schafer, Joe Hicks, Ellen Cushman

Member not attending: Liz Goss

Also attending: Gi Yoon-Huang and Tomi Olson, who were proposing citizens petitions to amend the General Bylaws

7: 04 PM Chair McGaw called the meeting order

Review any proposed amendments to the General Bylaws submitted to the Committee for advice with intent to submit for Annual Town Meeting Warrant

Amend § 40-325.E Recreation Commission (shall establish fees)

Tomi Olson, Tomi expressed that she has been running the Belmont non-profit Payson Park Music Festival, weekly summer concerts open to all Belmont residents without any fees or ticket prices. The Town charges a permit fee each time that the Music Festival runs a concert. She believes that non-profits that don't charge fees using Town recreation property shouldn't be forced to pay permit fees. She remarked that this only applies to the permit fees, and that she continues to expect to pay any specific fees for services, such as a Police detail.

When asked by the Committee, Tomi indicated that the permit fee is \$35 per hour – 2 hours per concert. The fees are not in the Bylaw, just the allowance that the Recreation Commission may set the fees. Bob Schafer reminded the committee members that we will only be voting as to form and placement, not whether we agree with the proposal by Tomi.

Joe suggested that the wording includes non-profit, Ellen suggested that non-profit should be more specific, such as based in Belmont and Bob mentioned that Tomi mentioned that there are no ticket prices or fees, the concerts are open to anyone.

Tomi provided Draft #5 – Bylaw Review Version showing inserts underlined and in red

Amend § 40-325.E by adding the following:

“Fees for Special Event permits for use of park sites shall be waived if the permittee is a 501(c)(3) non-profit organization based in Belmont, the event is open to the public, and attendees are not charged a fee to attend.”

The Committee decided not to take a vote as we've just been asked to vote as to form and placement once the article is in the warrant. Tomi thanks the committee, and agreed, saying she'll be circulating the petition and will be back for the vote.

Gi Yoon-Huang - sidewalks, want to prohibit parking of cars across sidewalks that force the pedestrian to walk in the street.

Gi showed the committee photos of cars across sidewalks in Town. She's very worried about rush hour, Safe Routes to School and believes that Police enforcement of this problem is spotty and has resulted on continued violations. She saw a gentleman using a walker who had to walk on the street to avoid a car parked across the public sidewalk and decided to take action. Gi believes that more enforcement will lead to safer behavior and wants to opportunity to have Town Meeting vote this. The text Gi had provided proposes amendment of §60-805 B4:

KEEPING SIDEWALKS CLEAR OF VEHICLES

Whereas the obstruction of sidewalks by parked vehicles interferes with the safe use of sidewalks by elderly persons, persons using wheelchairs, persons using carriages to transport children, and students walking to school, it is therefore

Moved: To amend The General Bylaws of the Town of Belmont to prohibit parking vehicles on sidewalks, by amending § 60-805.B(4) to read as follows:

(4) No vehicle will be parked

(a) so that it obstructs any driveway or

(b) **so that it any part of the vehicle extends into or over a sidewalk as the term "sidewalk" is defined in § 60-800.I(2);**

and by amending § 60-805.G by inserting after the second sentence, the following sentence:

The penalty for violating § 60-805.B(4)(b) shall be increased to \$300 for the second and each of any successive violations.

Ellen explained that she had pointed Gi to the existing General Bylaw and Traffic Regulations regarding any obstruction to the public sidewalks, including enforcement provisions. She explained that §60-805 Gi suggests amending is for the travel lane/public way only, not the sidewalk. Ellen said that sidewalk obstructions are covered in §60-800 D2.

There was a discussion about the fact that most of Belmont was built before families typically had more than one car. The driveways often have walls on each side and too short or close to too short and many people have to store their new solid waste and recycling bins in the driveway, shortening the usable driveway even further. In light of the Town's longstanding ban on overnight on-street parking, could Gi ask for enforcement only during the day? No. She's worried that many people don't move their cars early enough in the morning for students to use all sidewalks on the way to school without having the divert their path into the travel lane. In the end the Bylaw Review Committee recommended that a parenthetical phrase would fit into the existing section and provided emphasis for Gi's purpose, shown in red, underlined below:

AMEND GENERAL BYLAWS: §60-800 (D)(2) PUBLIC WAYS, SIDEWALKS AND RIGHTS-OF WAY, OBSTRUCTIONS

To see if the Town will vote to amend the General Bylaws with a goal of calling specific attention to the problem of parking of vehicles on sidewalks that interfere with the safe use of sidewalks by elderly persons, persons using wheelchairs, persons using carriages to transport children, and students walking to school, by amending § 60-800 (D) (2) Obstructions, by inserting the words

“(including, without limitation, the parking of vehicles of any type)” after the words “man-made materials” so that it reads:

- 2 No person, other than an authorized agent of the Town, may place or cause to be placed or maintained any permanent or temporary structure or any natural or man-made materials (including, without limitation, the parking of vehicles of any type) on any public street, sidewalk or highway in such a manner as to obstruct or otherwise interfere with the free and full use of such public street, sidewalk or highway for the passage of vehicles or pedestrians, except upon written permit or authorization from the Select Board or its designee, which the Board or its designee may in its discretion issue subject to such terms and conditions, including a bond, as may be deemed necessary and appropriate to protect the public safety.

As with Tomi, the Committee decided not to take a vote as we’ve just been asked to vote as to form and placement once the article is in the warrant. Gi thanks the committee, said she would think about what we’ve discussed and discuss with her Safe Routes to School committee but plans to circulate a petition and will be back to us for the vote. Bob McGaw volunteered to assist Gi should she have additional questions.

Roger Wrubel brought Specialized Energy Code that he said will replace Stretch Energy Code, 60-310

Roger explained that the State has now developed a new higher level of Energy focused building code, so that the three levels: Base level, Stretch Energy Code, now the Specialized Energy Code. It’s optional and an opt-in for communities, several had done so already. He proposes that Belmont opts in. Whereas Stretch applies to New, Renovations and additions over a certain size, the Specialized applies to all new construction and basically requires solar panels on the roof and requirement to pre-wire for electrical heating, stove, water heater, appliances, etc in the event that the home is scheduled to use fossil fuels for same. The Committee recommended to Roger that he simplify his amendment to make it clear that this is a replacement of the Stretch Energy Code, basically an opt-in. He doesn’t have to add all the other language, just the “preamble” stating the purpose and insert the correct references to 225 CMR 22, citing specific sections, etc, leave out the definitions and don’t put them into the warrant as the definitions are in the code itself. If Rogers wants to include the commentary/definitions, he should put them in italics under the warrant article, not within the text of the warrant article itself. Roger understood.

Roger’s Version as submitted:

Warrant Article: To see if the Town will vote to replace § 60-310 of the Town of Belmont General Bylaws, titled "Stretch Energy Code" with a new § 60-310 titled "Specialized Energy Code," for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments, or modifications thereto, with an effective date of January 1, 2024, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Moved that the Town replace §60-310 "Energy Stretch Code" of the Town of Belmont General Bylaws, with a new § 60-310 entitled "Specialized Energy Code," for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, including future editions, amendments, or modifications thereto, with an effective date of January 1, 2024, such new § 60-310 to read as follows:

§ 60-310 Specialized Energy Code

A. Definitions

IECC — As used in this § **60-310**, "IECC" refers to the International Energy Conservation Code, which is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR (which contains the State Building Code).

Specialized Energy Code — Codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, to further reduce the climate impacts of buildings, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

Stretch Energy Code — Codified by the combination of 225 CMR 22.00 and 23.00, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the IECC seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008 (Chapter 169 of the Acts of 2008), as well as to reduce the climate impacts of buildings built to this Stretch Energy Code.

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B. Purpose

The purpose of the Specialized Energy Code is to provide a more energy-efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the State Building Code for both new and existing building construction.

C. Applicability

This § **60-310** applies to residential and commercial buildings.

D. Specialized Energy Code

The Specialized Energy Code codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, and including any future editions, amendments, or modifications, is herein incorporated by reference into this § 60-310.

E. Enforcement

The Specialized Energy Code is enforceable by the Inspector of Buildings.

The Bylaw Review Committee Recommended this edited, simplified version of the Warrant article proposed by Roger

§ 60-310 Specialized Energy Code

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B. Applicability

This § 60-310 applies to residential and commercial buildings.

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C. Specialized Energy Code

The Specialized Energy Code codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, and including any future editions, amendments, or modifications, is herein incorporated by reference into this § 60-310.

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D. Enforcement

The Specialized Energy Code is enforceable by the Inspector of Buildings. This section § 60-310 shall be effective January 1, 2024.

or in any way act thereon.

As with Tomi and Gi, the Committee decided not to take a vote as we've just been asked to vote as to form and placement once the article is in the warrant. Roger thanked the committee, said he would think about what we've discussed and will discuss with other petitioners. He will return to the next meeting one way or the other.

Next Meeting (Date & Time): To be posted for March 27, 2023, and another April 27th if there are amendments filed.

Respectfully Submitted,
Ellen O'Brien Cushman
Town Clerk & Member Ex-officio