



MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

Belmont's town meetings are conducted in accordance with the Massachusetts General Laws, our Representative Town Meeting statute, the General By-Laws, and traditional customs and practices that we have followed for many years, with guidance provided by the principles and rules of conduct in *Town Meeting Time, a Handbook of Parliamentary Law*. Several matters of procedure are summarized below.

- An **article** in the Warrant provides notice to the Town Meeting of a matter to be considered. The article itself is not a specific proposal for action. A **motion** is a proposal for action by the Town Meeting and must be within the scope of the notice provided by an article in the Warrant. An article may not be amended but a motion may be amended by vote of the Town Meeting.
- Formal seconding will not be required on **main motions** under articles in the warrant. Seconding will be required on all other motions.
- All **main motions and proposed amendments** involving the expenditure of money must be in writing. All other motions and proposed amendments must also be in writing unless they are so brief and simple as to be easily understood when stated orally.
- All substantive amendments and motions to be offered under an article in the Warrant must be submitted to the Town Clerk in writing not later than the close of business on the third (3rd) business day before the commencement of the session at which the Article is considered, in order to provide the sufficient time for review by Town Counsel and the Moderator and to be made available for distribution to the Town Meeting Members before the commencement of such session. The Moderator may allow exceptions to the advance filing requirement in case of motions that are easy to understand, but such exceptions are within the exclusive discretion of the Moderator.
- Except for motions involving the expenditure of money or by-law amendments, the Moderator will first recognize the maker of the motion, if he or she wishes to speak.
- Before commencing discussion on motions involving the expenditure of money or by-law amendments, the Moderator will first call for committee reports as follows:
 - **Expenditure of Money** – Warrant Committee,
 - **Capital Improvements** – Warrant Committee, then Capital Budget Committee,
 - **General By-Law amendments** – By-Law Review Committee,
 - **Zoning By-Law amendments** – Planning Board.
- Town Meeting Members wishing to speak should stand and request recognition by the Moderator. When recognized, a Town Meeting Member should come to a microphone and state his or her name and precinct number before commencing.
- Registered voters of the Town who are not Town Meeting Members may speak at the Town Meeting, but first must either arrange in advance with the Moderator for recognition or arrange to be introduced by a Town Meeting Member.

- Persons who are not Town Meeting Members may be admitted to the floor by invitation **but may not vote**.
- All discussion must be relevant to a motion before the town meeting. All speakers must address the Moderator; questions may be asked only through the Moderator. A Town Meeting Member who wishes to make a motion that is debatable must first make the motion and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.
- The Moderator will try to recognize Town Meeting Members in the order in which they seek recognition. Unless the Town Meeting consents no person may speak more than twice upon any question, except to correct an error or to make an explanation of a previous statement. No person may speak for more than five minutes when speaking for the second time and should not seek recognition to speak for a second time until others who have not yet spoken have had an opportunity to be recognized.
- While our General By-Laws do not set a time limit for Town Meeting Members when speaking for the first time, all remarks should be concise, to the point and not excessively repetitious. Experience has shown that minds are rarely changed after the first **five minutes** of a speech.
- Section 2.7.6 of our General By-Laws provides that **all votes shall be taken in the first instance by a “yes” or “no” voice vote**. If the Moderator is in doubt as to the vote, or if any Town Meeting Member doubts the vote, the Moderator will call for a **standing vote**. Any Town Meeting Member may also request a **roll call vote**; the request must be concurred in by 34 or more additional Town Meeting Members; and the request must be made in connection with **final action** under an article in the warrant.
- Our By-Laws require that a Town Meeting Member who wishes to speak on an issue in which he or she or a member of his or her family has a direct financial interest or in which he or she is engaged as an attorney or consultant must first disclose this interest to the Town Meeting.
- A **motion to reconsider** a vote adopted at one session of a Town Meeting may not be made at an adjourned session of the same Town Meeting unless the mover has given notice of his or her intention either at the session at which the vote was passed or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of the session at which the vote sought to be reconsidered was passed. A two-thirds vote is required for reconsideration; no vote may be reconsidered more than once.
- Action on our general budget article, will not be considered final so as to require a two-thirds vote for reconsideration, or any other procedures relating to reconsideration, until all action under that Article has been completed.

Any citizen who has questions about Town Meeting procedures is encouraged to call me at (617) 489-1822 or to see me before the start of Town Meeting.

Michael J. Widmer
Moderator



*Office of the Board of Selectmen
Town of Belmont
Massachusetts*

selectmen@belmont-ma.gov

455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478
TEL (617) 993-2610
FAX (617) 993-2611
www.belmont-ma.gov

SELECTMEN

ANDRÉS T. ROJAS, Chair
SAMI S. BAGHDADY, Vice-Chair
MARK A. PAOLILLO

TOWN ADMINISTRATOR

DAVID J. KALE

ASSISTANT TOWN ADMINISTRATOR

PHYLLIS L. MARSHALL

April 11, 2014

Dear Town Meeting Members:

Enclosed please find the Warrant for the **Annual Town Meeting** scheduled for 7:00 p.m. on **Monday, May 5, 2014** at the Belmont High School Auditorium.

Should the business of the Annual Town Meeting not conclude on May 5th, the meeting will be continued to 7:00 p.m. on the following dates, as required:

- Wednesday, May 7, 12, 14th at the Belmont High School Auditorium
- Monday, June 2, 4, 9, 11th at the Chenery Middle School Auditorium

As you will see from the attached materials, the Annual Town Meeting Warrant includes twenty-seven (27) articles. The Board of Selectmen made a request that the Town Moderator consider making some adjustments to articles between Segment A in May and Segment B in June. The Town Moderator has agreed to move the proposed Amendment to the Minuteman Regional Vocational High School Regional Agreement to Segment B. As a result, the zoning by-law articles for Medical Marijuana Overlay District and the Requirement for 'As-Built' Plan Submission and Approval are moved to Segment A. The non-financial articles are described below. Information on the financial articles contained in Segment B will be distributed prior to June 2, 2014.

SEGMENT A – May 2014

Article 1: Reports - Board of Selectman, Board, Committees and Other Town Officials.

Article 2: Authorization to Represent the Town's Legal Interest - 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 Bylaws of the Town of Belmont.

Article 4: Use of Public Land Bylaw – Lone Tree Hill, Belmont Conservation Land - This article sets forth permitted uses and prohibitions on the Lone Tree Hill Conservation Land. It provides the Police Department with the authority to enforce the provisions of this Bylaw and if necessary issue tickets for violations.

Article 5: Amend General Bylaws for "Criminal History Checks", §60-200 - This article seeks to correct clerical errors.

Article 6: Citizens' Petition – Delete General Bylaw §60-800 I. "Residential Snow Removal" - This article is submitted in the exact form as provided by the Citizens.

Article 7: Citizens' Petition – New General Bylaw Regarding Yard Sales - This article is submitted in the exact form as provided by the Citizens.

Article 8: Amend General Bylaws for “Animals”, §60-200 - This article seeks to bring the Town's kennel regulations into compliance with state law. It addresses licensing of dogs and cats, removal of feces, nuisance or dangerous dogs or other animals, and establishes processes for handling of same.

Article 9: Allow Kennels by Special Permit in Certain Districts - This article was brought to the attention of the Planning Board by Town Counsel who was helping to draft the Animal Control General Bylaw. He argued that this would be an appropriate time to address the zoning associated with regulating kennels.

Article 10: Change Home Occupation Certificate Expiration - This article was requested by the Town Clerk in order to coordinate the expiration of Business Certificates and Home Occupation Certificates.

Article 11: Allow Shared Driveways by Special Permit in Residential Districts - This article was requested by the Director of Community Development. It will allow the Planning Board to grant Special Permits in certain circumstances provided that the driveway meets requirements within the By-Law.

Article 12: Create a Medical Marijuana Overlay District - In the fall of 2012, Massachusetts voters legalized the sale of marijuana for medical use only. In response, the Town adopted a one year moratorium (expires June 30, 2014) in order for the Department of Public Health to promulgate regulations for licensing of dispensaries. This article seeks to regulate the placement of dispensaries and to mitigate their impacts.

Article 13: Require ‘As-Built’ Plan Submission and Approval - This article seeks to insure that all new construction complies with the Zoning By-Laws.

Article 15: FY15 Community Preservation Committee Budget & Projects - This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town. The total amount for these six CPA projects is \$727,224.

Article 16: FY15 Community Preservation Committee Budget & Projects – Underwood Pool – This article is to implement the recommendations of the Community Preservation Committee, as presented under Article 15, with regard to the partial funding of the Underwood Pool project from Community Preservation Act funds.

Article 17: Underwood Pool Project Appropriation by Borrowing - This article will provide for a portion of the financing, in addition to the CPA funding, for the construction of the new Underwood Pool. The voters approved the exclusion of the principal and interest on any such borrowing from the levy limit (a “Proposition 2½ debt exclusion”) at the annual town election on April 1, 2014.

SEGMENT B – June, 2014 (non-financial articles)

Article 3: Amendment to Minuteman Regional Vocational High School Regional Agreement - This article seeks to make amendments to the Minutemen Regional Vocational High School Agreement. The District Agreement was last amended in 1980. The new District Agreement requires passage by all member communities (16 total) of the Minuteman District in order to take effect. No amendments can be made to this Article.

Summary of Proposed Amendments:

- Uses a four-year rolling average where student enrollment is a factor in determining the annual operating and capital assessment in place of the single year figure;
- Introduces a weighted voting methodology for most School Committee actions;
- Authorizes the Regional School Committee to negotiate terms of the capital assessment for new member communities;
- Establishes a revised procedure for withdrawing from the District;
- Revises the formula by which annual capital costs are assessed; and
- Changes the method for authorizing debt, which would allow a community not supporting the debt to withdraw from the District.

Article 14: Address Citizens' Petition from 2013 Special Town Meeting - This article seeks to address the Citizens Petitioned Moratorium adopted by the 2013 Special Town Meeting. The purpose of this amendment is to promote new development that is compatible with the surrounding built development.

Please be reminded that the Warrant and any additional information can be found in the Town Meeting section of the Town web page at www.Belmont-ma.gov.

The customary Warrant Discussion Night, co-sponsored by the League of Women Voters and the Warrant Committee is scheduled for Monday, April 28, 2014 at 7:00 pm at the Beech Street Center.

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

Sincerely,

Andrés T. Rojas, Chair
Sami S. Baghdady, Vice-Chair
Mark A. Paolillo

BOARD OF SELECTMEN

2014 Belmont Annual Town Meeting Warrant

INDEX OF WARRANT ARTICLES

Article Number	Segment	Title	Page
ARTICLE 1	A	Reports	1
ARTICLE 2	A	Authorization to Represent the Town's Legal Interests	1
AMEND THE DISTRICT AGREEMENT OF THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT			
ARTICLE 3	A	Amendment to Minuteman Regional Vocational High School Regional Agreement	2
AMEND GENERAL BYLAWS			
ARTICLE 4	A	Use of Public Land Bylaw – Lone Tree Hill, Belmont Conservation Land	2
ARTICLE 5	A	Amend General Bylaws for "Criminal History Checks", § 60- 905	4
ARTICLE 6	A	Citizens' Petition - Delete General Bylaw § 60-800 I. "Residential Snow Removal"	5
ARTICLE 7	A	Citizens' Petition – New General Bylaw Regarding Yard Sales	5
ARTICLE 8	A	Amend General Bylaws for "Animals", § 60-200	6
AMEND ZONING BY-LAW			
ARTICLE 9	A	Allow Kennels by Special Permit in Certain Districts	11
ARTICLE 10	A	Change Home Occupation Certificate Expiration	13
ARTICLE 11	A	Allow Shared Driveways by Special Permit in Residential Districts	14
ARTICLE 12	B	Create a Medical Marijuana Overlay District	16
ARTICLE 13	B	Require 'As-Built' Plan Submission and Approval	21
ARTICLE 14	B	Address Citizens' Petition from 2013 Special Town Meeting	22
COMMUNITY PRESERVATION FUNDS			
ARTICLE 15	A	FY15 Community Preservation Committee Budget & Projects	31
UNDERWOOD POOL PROJECT FUNDING			
ARTICLE 16	A	FY15 Community Preservation Committee Budget & Projects – Underwood Pool	32
ARTICLE 17	A	Underwood Pool Project Appropriation by Borrowing	32
BUDGETARY & FINANCIAL ARTICLES			
ARTICLE 18	B	Salaries of Elected Officials	33
ARTICLE 19	B	Enterprise Funds for Water and Sewer and Stormwater Services	33
ARTICLE 20	B	FY15 Budget Appropriation	33
ARTICLE 21	B	Authorization to Transfer Balances to Fund the FY15 Budget	34
ARTICLE 22	B	Authorization for Up-Front Funds for Chapter 90 Highway Improvements	34
ARTICLE 23	B	Appropriation of Capital Expenditures	34
ARTICLE 24	B	Other Post Employment Benefits (OPEB) Stabilization Fund Appropriation	35
ARTICLE 25	B	Authorization for Revolving Funds	35
ARTICLE 26	B	Appropriation for Insurance Proceeds	35
ARTICLE 27	B	Belmont High School HVAC Borrowing De-Authorization	36

Segment A: Belmont High School at 7 pm
Segment B: Chenery Middle School at 7 pm



**TOWN OF BELMONT
WARRANT FOR 2014 ANNUAL TOWN MEETING
MAY 5, 2014
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, MAY 5, 2014, at 7:00 P.M.**, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1:

REPORTS

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

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

Majority vote required for passage.

Yes____ **No**____

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

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

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

Majority vote required for passage.

Yes____ **No**____

ARTICLE 3: AMENDMENT TO MINUTEMAN REGIONAL VOCATIONAL HIGH SCHOOL REGIONAL AGREEMENT

To see if the Town will vote, consistent with Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District, to accept the amendments to said Agreement which have been initiated and approved by a vote of the Regional School Committee on March 11, 2014 and which have been submitted as restated "Regional Agreement" bearing the date of March 11, 2014 to the Board of Selectmen of each member town prior to its vote on this article, or in any way act thereon.

(Submitted by the Regional School Committee)

This article seeks to make amendments to the Minutemen Regional Vocational High School Agreement. The Agreement was last amended in 1980. These amendments require passage by all member communities (16 total) in order to take effect.

Summary of Proposed Amendments:

- *Uses a four-year rolling average where student enrollment is a factor in determining the annual operating and capital assessment in place of the single year figure;*
- *Introduces a weighted voting methodology for most School Committee actions;*
- *Authorizes the Regional School Committee to negotiate terms of the capital assessment for new member communities;*
- *Establishes a revised procedure for withdrawing from the District;*
- *Revises the formula by which annual capital costs are assessed; and*
- *Changes the method for authorizing debt, which would allow a community not supporting the debt to withdraw from the District.*

Belmont's Regional School Committee Representative and the Warrant Committee will report orally on this article.

Majority vote required for passage. Yes _____ No _____

ARTICLE 4: USE OF PUBLIC LAND BYLAW – LONE TREE HILL, BELMONT CONSERVATION LAND

To see if the Town will vote to amend the General Bylaws by inserting a new Article 10, Use of Town Property, as follows:

**ARTICLE 10
Use of Town Property**

§ 60-1000: Lone Tree Hill Conservation Land.

A. Intent and Purpose.

This Section is adopted for the purpose of preserving and protecting the portion of the Lone Tree Hill property (the "Property"), formerly known as the McLean Open Space, currently owned by the Inhabitants of the Town of Belmont and managed by the Town of Belmont Land Management Committee (the "Committee") pursuant to a Quitclaim Deed from The McLean Hospital Corporation to The Inhabitants of the Town of Belmont, and Conservation Restrictions B-1 and B-2, each on file with the

Middlesex County South Registry of Deeds at Book 45478, Page 283 (Deed) and Book 45375, Page 258 (Conservation Restriction B-1) and Book 45375, Page 275 (Conservation Restriction B-2). By preserving and protecting the Property, this Section promotes the public welfare by ensuring the safety of visitors, protecting the land and resident wildlife, and preserving passive recreation spaces within the Town consistent with the above-referenced documents. This Section shall be interpreted in furtherance of the intents and purposes described in this Subsection.

B. Permitted Uses.

(1) Hours. The public shall be permitted to use the Property for passive recreation on designated trails from dawn until dusk. The public shall observe seasonal closings and other restrictions as established by the Committee.

(2) Dogs. The public shall be permitted to bring dogs onto the Property, provided that those dogs remain on leashes measuring 6 feet or less. Members of the public shall remove all feces created by their dogs on the Property.

(3) Bicycles. The public shall be permitted to ride bicycles on the Property, provided however those bicyclists shall:

- (a) Use only trails designated by the Committee as “shared use”;
- (b) Permit pedestrians to have the right of way; and
- (c) Use appropriate caution and speed on trails to promote safe use.

(4) Other Uses Permitted by the Committee. The Committee may permit the public to use the Property in other ways with prior Committee permission.

C. Prohibited Uses.

(1) Trails. The public shall not deviate from trails on the Property.

(2) Animals and Natural Materials. The public shall not physically disturb animals, vegetation, or natural materials on the Property in any manner.

(3) Trash. The public shall not litter on the Property and shall remove all items brought on to the Property upon departure.

(4) Other Prohibited Uses. The public shall not engage in any of the following activities on the Property:

- (a) Use of motorized vehicles;
- (b) Dumping of trash or other refuse;
- (c) Use or creation of fires;
- (d) Smoking;
- (e) Possession or use of alcohol;
- (f) Camping or use of a tent;
- (g) Creation of construction of any temporary or other structure;
- (h) Hunting;
- (i) Ball playing or other active recreation including, but not limited to, baseball, soccer, football, or Frisbee;
- (j) Throwing of stones, snowballs, sticks, or other missiles;
- (k) Flying kites or other objects; or
- (l) Possession, shooting or use of an airgun, bow and arrow, slingshot or other similar device.

D. Enforcement.

Violations of this Section shall be punishable by a fine of \$50 for each offense.

In addition to the provisions for enforcement set forth elsewhere in this Section, the provisions of this Section may also be enforced by non-criminal disposition as provided in MGL c. 40, § 21D (“Section 21D”). The penalty for such violation shall be \$50 for each offense. Each day or part thereof shall constitute a separate offense.

- (1) An Enforcing Person taking cognizance of a violation of this Section may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.
- (2) “Enforcing Person” as used in this Subsection shall mean any police officer of the Town or any other Town employee designated by the Board of Selectmen as an Enforcing Person.

or in any way act thereon.

(Submitted by Land Management Commission for Lone Tree Hill, Formerly McLean Open Space)

This article sets forth permitted uses and prohibitions on the Lone Tree Hill Conservation Land. It provides the Police Department with the authority to enforce the provisions of this Bylaw and if necessary issue tickets for violations.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 5: AMEND GENERAL BYLAWS FOR “CRIMINAL HISTORY CHECKS”, § 60-905

To see if the Town will vote to amend § 60-905 of the General Bylaws to correct clerical errors as follows:

By striking §60-905 E (2) and replacing it with the following:

§ 60-905 E (2):

In determining whether to recommend the applicant as fit for the License, the officer shall consider whether any entry in the records constitutes an automatic disqualification from the occupation. The officer shall also consider how the following convictions or pending criminal cases bear specifically upon the applicant’s fitness or ability to serve in the occupation for which he or she is seeking a license:

- (a) any felony,
- (b) any offense related to unlawful sexual conduct,
- (c) the distribution or possession with intent to distribute a controlled substance,
- (d) any misdemeanor involving as an element the use or threatened use of force,
- (e) any misdemeanor involving the unlawful taking or receipt of property, or attempts to do so, and
- (f) any other relevant crime

In addition, the officer conducting the check shall consider whether the person is registered as a sex offender.

And, by striking § 60-905F (3) and replacing it with the following:

The Licensing Authority will consider the information provided pursuant to this Section and other information relevant to the applicant's fitness.

or in any way act thereon.

(Submitted by the Police Chief and the Board of Selectmen)

This article seeks to correct clerical errors.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes ___ **No** ___

ARTICLE 6:

CITIZENS' PETITION - DELETE GENERAL BYLAW § 60-800 I. "RESIDENTIAL SNOW REMOVAL"

To see if the Town will vote to strike from its General Bylaws Section 60-800 Subsection I, "Residential Snow Removal," and that the Bylaw Review Committee renumber Section 60-800 according to the requirements of the General Bylaws of the Town of Belmont, or in any way act thereon.

(Submitted by Eric Anderson)

This article is submitted in the exact form as provided by the Citizens.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes ___ **No** ___

ARTICLE 7:

CITIZENS' PETITION – NEW GENERAL BYLAWS REGARDING YARD SALES

To see if the Town will vote to amend Chapter 60 of the General Bylaws by adding a new Article 9 thereto as follows:

**ARTICLE 9
Yard Sales, Garage Sales and Tag Sales**

§ 60-905 Purpose

The purpose of this Article is to continue to allow private citizens, civic groups and neighborhood groups to conduct yard sales, garage sales and tag sales, so long as they are carried out in a manner that does not create violations of Town Bylaws and is respectful of neighbors. Neighboring residents' willingness to tolerate these sales cheerfully can be expected only if they take place infrequently.

§ 60-905 Application

A. Any person or group intending to hold a yard sale, garage sale or tag sale shall obtain a permit therefor from the Town Clerk. No more than three permits per calendar year may be issued for yard

sales, garage sales or tag sales at a single address. Copies of the issued permit shall be sent to the Police Department.

B. Any person or group holding a yard sale, garage sale or tag sale shall take appropriate steps to avoid traffic congestion and unsafe parking conditions, unreasonable noise or other neighborhood nuisance.

C. A single yard sale, garage sale or tag sale may be held over the course of a Saturday and Sunday in a single weekend. Sale hours shall not commence before 8:30 am and shall end by 5:30 pm. All unsold items or objects from the sale shall be stored out of public view by 6:00 pm.

D. All signs erected or posted in connection with a yard sale, garage sale or tag sale shall be promptly removed upon the completion of the sale.

E. If it is substantiated that a person or group is holding a yard sale, garage sale or tag sale without a permit issued pursuant to this Section, the Belmont Police shall be authorized to order the sale to be shut down immediately. Thereafter, any person or group attempting to reestablish the sale at the same address during the calendar year without a permit shall be subject to a fine of \$300 for each violation.

F. The Belmont Police are authorized to enforce this Section by issuing non-criminal citations as provided in M.G.L. c. 40, § 21D. The penalty for any violation of this Section shall be \$50 for each offense.

or in any way act thereon.

(Submitted by Stephen Ganak)

This article is submitted in the exact form as provided by the Citizens.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 8: AMEND GENERAL BYLAWS FOR “ANIMALS”, § 60-200

To see if the Town will vote to amend Chapter 60, Article 2 of the General Bylaws Section 60-200 “Pets and Other Animals” and Section 60-205 “Kennels” and that the Bylaw Review Committee renumber according to the requirements of the General Bylaws of the Town of Belmont:

**ARTICLE 2
Animals**

§ 60-200. Pets and other animals.

A. Licensing of dogs and cats. No person shall own or keep a dog or cat, six months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The license period shall be from January 1 through December 31; provided, however, that all applications for license renewals shall be submitted by March 15 of each year, or the licensee may be subject to late fees. Non-refundable license and late fees shall be established from time to time by the Town Clerk, unless Town Meeting approval is required pursuant to MGL c. 140, § 139 or other applicable law. License fees for dogs and cats owned or kept by residents who are age 60 or older shall be at a discounted rate of at least 25% less than the established fee. All license fees shall be waived for dogs and cats that serve as service animals as defined by the

Americans with Disabilities Act or regulations promulgated thereunder. Not more than three dogs over three months of age shall be kept in any household without complying with the kennel licensing provisions set forth in § 60-205. All dogs and cats are required to wear their license tags at all times.

- (1) No dog or cat six months of age or older shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing.
- (2) No dog or cat six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:
 - (a) Proof that the dog or cat has been spayed or neutered;
 - (b) A statement signed by a veterinarian stating why spaying or neutering has been delayed; or
 - (c) A statement signed by the owner or keeper of the dog or cat that a decision has been made not to spay or neuter the dog or cat.
- (3) A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter pursuant to § 60-200(A)(2)(c).

B. The owner of any dog or cat that is sold or given away, or whose custody is otherwise transferred, to any other resident of the Town shall obtain from the Town Clerk and furnish to such other resident a copy of this Section of the General Bylaws or a summary thereof.

C. No person who owns, keeps or controls a dog shall allow the dog to run free when not restricted to the premises of said person, except as permitted by the Board of Health. Except as otherwise provided in this Section, such dogs shall be leashed and curbed when off such premises.

D. Removal of feces.

- (1) Each person who owns, keeps or controls a dog within the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property that is not owned or lawfully occupied by such person.
- (2) No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device that is suitable for picking up and containing feces, unexposed to such person and to the general public.
- (3) For purposes of this Subsection, feces may be disposed of only at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.
- (4) Paragraphs (1), (2) and (3) of this Subsection shall not apply to a dog accompanying any person who, by reason of a handicap, is physically unable to comply with its requirements.

E. No person within the Town shall possess, maintain, propagate, cultivate or deal in wild or exotic animals within the meaning of MGL c. 131, § 23, unless notice thereof has been filed with the Board of Health and all permits required by said § 23 or otherwise have been obtained.

- F. No person within the Town shall feed any wild animals, including, without limitation, ducks, geese and raccoons, or any homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This Subsection shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order later to have it vaccinated, spayed or neutered, and ultimately adopted.
- G. Nuisance or Dangerous Dogs or Other Animals.
- (1) No person shall permit any dog, cat or other household pet that by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property, endangers the safety of any person, or otherwise acts as a nuisance or dangerous dog as defined by MGL c. 140, § 136A.
 - (2) The Animal Control Officer, or any other Town officer tasked with the enforcement of this Section, shall respond to complaints and reports of a violation of Paragraph (1) of this Subsection.
 - (3) All bites by dogs, cats, other domestic animals or wild or exotic animals shall be reported to the Board of Health and the Animal Control Officer by the person bitten or by the owner or keeper of the animal, as soon as possible after the incident.
 - (4) Any person, including the Animal Control Officer, may make a complaint to the Board of Health, the Town's Hearing Authority pursuant to MGL c. 140, concerning a nuisance or a dangerous dog as defined by MGL c. 140, § 136A. Upon the receipt of such a complaint, the Board of Health shall conduct a public hearing to gather evidence and testimony with respect to the allegation made in the complaint. At the close of the public hearing and after deliberation, the Board of Health may dismiss the complaint, or deem the dog a nuisance or dangerous dog. If the Board of Health deems the dog a nuisance or a dangerous dog, it may order any of the remedies available to it under MGL c. 140, § 157.
- H. The operator of a motor vehicle that strikes and injures or kills a dog or cat within the Town shall report such incident to the owner or keeper of such dog or cat or to a police officer of the Town.
- I. Except as the Board of Health may otherwise permit, no dogs, except those dogs that serve as service animals as defined by regulations issued pursuant to the American with Disabilities, 28 CFR § 35.104, will be allowed in the following areas of the Town: all cemetery land, all public school playgrounds and athletic fields and all Recreation Department playgrounds and athletic fields. Nor may any dog be allowed inside food establishments, retail businesses or public buildings.
- J. Violations of this Section shall be disposed of, in the discretion of the Board of Health, either in the manner provided in § 40-220E or, if applicable, pursuant to the provisions of MGL c. 140, § 173A. For all violations of this Section other than violations of the licensing Subsections, a noncriminal citation will be issued on the following schedule: first offense, written warning; second offense, \$25; third offense and each succeeding offense occurring within a twelve-month period, \$50. Any violation of the licensing Subsections shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. The fines specified in this Subsection shall be in lieu of the schedule of fines specified in MGL c. 140, § 173A.

§ 60-205. Kennels.

- A. Definitions. As used in this Section, the following words and terms have the following meanings:

KENNEL — A pack or collection of dogs on a single property, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A .

KENNEL INSPECTOR — The Town's Animal Control Officer, the Police Chief, or such other qualified party as may be designated by the Board of Selectmen.

KENNEL LICENSE — An annual license permitting a Kennel to operate within the Town, issued to a Kennel that has demonstrated compliance with the requirements of this Section.

LICENSE PERIOD — The time between January 1 and the following December 31, both dates inclusive.

- B. Licenses; Fees; Requirements; Violations.

- (1) No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section. Possession of a Kennel License shall not demonstrate compliance with any other provision of the Bylaws of the Town of Belmont.
- (2) The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period.
- (3) The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons.
- (4) All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in MGL c. 140, § 137C.
- (5) No Kennel may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for grooming, but not for overnight boarding, or, for medical or surgical treatment or observation, shall not be counted in this number.
- (6) No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.
- (7) Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.
- (8) Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.

- (9) In addition to the requirements of this Section, the provisions of § 60-200C and Article 6 of this Chapter shall apply to all Kennels.
- (10) Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of MGL c. 140, § 173A.

C. Application Process; License Issuance; Renewals.

- (1) Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk. The application shall include a statement that the applicant acknowledges receipt of a copy of the provisions of this Section and agrees to comply with all applicable provisions.
- (2) Upon receipt of a completed application, the Town Clerk shall so notify the Kennel Inspector who shall forthwith conduct an inspection of the applicant's Kennel as provided in Subsection (D). The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the application.
- (3) The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutter given pursuant to Paragraph (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this Section and MGL s. 140, §§ 137C and 137D and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial.
- (4) Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before March 15 for that License Period.

D. Inspections. The Kennel Inspector, the Police Chief, the Board of Selectmen, or the Town's Animal Control Officer may at any time inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this Section and applicable state statutes.

E. Suspension or Revocation of Kennel License; Reinspections.

- (1) If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this Section and applicable state statutes. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

- (2) If the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer inspects or causes to be inspected a Kennel and, in the judgment of the person or entity that performed the inspection, the Kennel operator is not maintaining the Kennel in compliance with this Section and applicable state statutes, then the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer shall, by order, revoke or suspend the Kennel License, in accordance with MGL c. 140, § 137C.
- (3) If a Kennel License is suspended, the Kennel License holder may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this Section and applicable state statutes, and that the License Holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.
- (4) If a Kennel License is revoked, the Kennel License holder may apply for a new Kennel License in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

F. Petitions to Declare a Kennel a Nuisance. Any group of 25 citizens may file a petition with the Board of Selectmen setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs maintained in the Town due to excessive barking or other conditions connected with a Kennel constituting a nuisance, as provided in MGL c. 140, § 137C. The Board of Selectmen shall request that the Kennel Inspector investigate and provide a report for the parties' review prior to the public hearing provided in MGL c. 140, § 137C.

or in any way act thereon.

(Submitted by the Board of Health)

This article seeks to bring the Town's kennel regulations into compliance with state law. It addresses licensing of dogs and cats, removal of feces, nuisance or dangerous dogs or other animals, and establishes processes for handling of same.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 9: ALLOW KENNELS BY SPECIAL PERMIT IN CERTAIN DISTRICTS

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Height, Building', the following definitions for 'Kennel' and for five (5) types of Kennels, 'Commercial Boarding or Training', 'Commercial Breeder', 'Domestic Charitable Corporation', and 'Personal', as follows:

Section 1.4, Definitions and Abbreviations

Height, Building - The vertical distance from the grade to:

- the highest point of the roof or parapet for flat or shed roofs;

- the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs (upper roof pitch 4" per foot or greater); or
- the point of change in roof slope for mansard roofs (upper roof pitch under 4" per foot).

Kennel - A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Kennel, Commercial Boarding or Training - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Kennel, Commercial Breeder – An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

Kennel, Domestic Charitable Corporation – A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

Kennel, Personal – A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Kennel, Veterinary – A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, in the 'Business' category, by inserting the new uses 'Kennels' and the four sub types of Kennels after the use 'Solar Energy System' and in the 'Accessory Uses' category insert the new use 'Personal Kennel' after the use 'Commercial provision for the care and recreation of dogs...' 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
Solar Energy System	N	N	N	SP	SP	SP	SP	N
<u>Kennels (Commercial or Nonprofit):</u>								
➤ <u>Day Care - the provision of day time services for the care of animals that does not include overnight boarding.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>N</u>
➤ <u>Boarding</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>
➤ <u>Commercial Breeder</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
➤ <u>Veterinary</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Commercial provision for the care and recreation of dogs ... and minimize its impacts.	SP	N	N	N	N	N	N	N
<u>Personal Kennel</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

or in any way act thereon.

(Submitted by the Planning Board)

This article was brought to the attention of the Planning Board by Town Counsel who was helping to draft the Animal Control General Bylaw. He argued that this would be an appropriate time to address the zoning associated with regulating kennels.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes ___ **No** ___

ARTICLE 10: CHANGE HOME OCCUPATION CERTIFICATE EXPIRATION

To see if the Town will vote to amend Section 3.4.2 of the Zoning By-Law, Home Occupations, by deleting the word 'three' in subsection i) and replacing it with the word 'four', as follows:

3.4.2 Home Occupations

- i) A Certificate of Occupancy is required prior to establishing a home occupation, or re-establishing one following termination, and shall be issued for a period of no greater than ~~three~~ four years, to be extended only following determination by the Building Inspector that the use continues to comply with the Zoning By-Law.

or in any way act thereon.

(Submitted by the Planning Board)

This article was requested by the Town Clerk in order to coordinate the expiration of Business Certificates and Home Occupation Certificates.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes _____ No _____

ARTICLE 11: ALLOW SHARED DRIVEWAYS BY SPECIAL PERMIT IN RESIDENTIAL DISTRICTS

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for ‘Development’ a new definition for ‘Driveway, Shared’, as follows:

Section 1.4, Definitions and Abbreviations

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Driveway, Shared – A driveway shared by adjacent property owners and privately owned and maintained.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, in the ‘Accessory Uses’ category insert the new use ‘Shared Driveway’ after the 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
Solar Energy System (See §4.3.8)	Y	N	Y	Y	Y	Y	Y	Y
<u>Shared Driveway (See §5.1.3)</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	Y	Y	Y	Y	N

3. To see if the Town will vote to amend Section 5.1.3 of the Zoning By-Law, Parking and Loading Area Location and Design, by inserting a new subsection ‘k) Shared Driveway’, as follows:

k) Shared Driveway. In accordance with Section 7.4, and the objectives, findings and determinations, and conditions for approval set forth below, the Planning Board, acting as the Special Permit Granting Authority (SPGA), may grant a Special Permit to allow a driveway on one lot to lead to a parking space on another lot, or to allow a driveway to straddle the lot line and provide access from one lot to a principal use on an adjoining lot on not more than two lots, when both lots are in a residential district(s) provided an easement is executed and is filed in the Registry of Deeds of Middlesex County. Where the Shared Driveway is located in a Cluster Development, pursuant to Section 6.5, for which a Special Permit with Site Plan Review is required, an additional Special Permit under this Section shall not be required.

1. Objectives

Any use of land involving the arrival, departure, or storage of motor vehicles shall be designed and operated to:

- a. Promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- b. Increase the traffic-carrying capacity of streets and highways in the Town and obtain a more efficient utilization of on-street curbside parking;
- c. Reduce hazards to pedestrians upon public sidewalks;
- d. Protect adjoining lots and the general public from nuisances and hazards such as:
 - i) Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles;
 - ii) A lack of visual relief from expanses of paving; and,
 - iii) Accelerated runoff of surface water from land covered by impervious materials;
- e. Maintain the character of the neighborhood and/or streetscape; and,
- f. Preserve historic walls, structures, and/or significant trees.

2. Findings and Determinations

Prior to granting a Special Permit, the SPGA shall make a finding and determination that the proposed Shared Driveway:

- a. Complies with the Special Permit criteria set forth in Section 7.4.3;
- b. Is consistent with the general purposes of this By-Law and its objectives;
- c. Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area;
- d. Does not result in the removal of mature trees or, where such trees are proposed to be removed, that the removal is mitigated through replanting or other means;
- e. Will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area;
- f. Will not constitute a demonstrable adverse impact on the surrounding area resulting from:
 - i) Excessive noise, level of illumination, glare, dust, smoke, or vibration which is higher than levels now experienced from uses permitted in the surrounding area;
 - ii) Emission or discharge of noxious or hazardous materials or substances; or
 - iii) Pollution of waterways or groundwater; and,
- g. Will be maintained through a maintenance agreement mutually accepted by the subject property owners.

3. Conditions for Approval

The SPGA may impose conditions and limitations on the Special Permit for the Shared Driveway as it deems necessary to ensure that the findings and determinations that it must make under Section k) 2 above are complied with, including but not limited to:

- a. Screening or landscaping from view from adjoining lots or from a street, by planting, walls, fences or other devices;
- b. Regulating the number, design and location of access drives or other traffic features;
- c. Requiring a greater number of off-street parking spaces, and with greater setbacks, landscaping and screening than the minimum standards set forth in Section 5.3; and
- d. Such other limitation as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the Shared Driveway with the surrounding area.

or in any way act thereon.

(Submitted by the Planning Board)

This article was requested by the Director of Community Development. It will allow the Planning Board to grant Special Permits in certain circumstances provided that the driveway meets requirements within the By-Law.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes ____ No ____

ARTICLE 12:

CREATE MEDICAL MARIJUANA OVERLAY DISTRICT

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Premises' a new definition for 'Registered Marijuana Dispensary', as follows:

Section 1.4, Definitions and Abbreviations

Premises – A lot together with all structures, buildings, and uses thereon and including any water bodies and watercourses or parts thereof.

Registered Marijuana Dispensary (or "RMD") - also known as a Medical Marijuana Treatment Center, means a not-for-profit entity properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, by inserting the new use ‘Registered Marijuana Dispensary’ after ‘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
Solar Energy System	N	N	N	SP	SP	SP	SP	N
<u>Registered Marijuana Dispensary</u> (See § 6E)	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>N</u>

3. To see if the Town will vote to amend the Zoning By-Law by inserting a new Section 6E, ‘Medical Marijuana Overlay District’, after a proposed new Section 6D, ‘Single and Two Family Dwellings in the General Residence Zoning Districts’, as follows:

Section 6E Medical Marijuana Overlay District

6E.1 Purpose

The purpose of the Medical Marijuana Overlay District (MMOD) is to provide for the placement of Registered Marijuana Dispensaries (RMD), as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana, in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

6E.2 Authority and Establishment

The Planning Board shall be the Special Permit Granting Authority for a Registered Marijuana Dispensary.

The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk and include the underlying Local Business II and General Business Districts. Within the MMOD, all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for a RMD, in which case the requirements set forth in this Section shall apply or a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

Besides the zoning districts listed above, RMDs shall be allowed, subject to the provisions of this Section 6E, within the Belmont Uplands District. RMDs shall not be allowed within the McLean or the Cushing Square Overlay Districts.

6E.3 Use Regulations

- a. The building or buildings in which the RMD activities take place shall not be located within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized

to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.

- b. The RMD shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.
- c. The hours of operation shall be set by the Planning Board, but in no event shall a RMD be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the Premises, between the hours of 8:00 p.m. and 8:00 a.m.

6E.4 Physical and Locational Requirements

- a. All aspects of the RMD must take place at a fixed location within a fully enclosed building (including, but not limited to, loading, refuse and service areas), or in the case of cultivation within a locked, limited access area in compliance with CMR 725.15(B)(1)(c), and shall not be visible from the ground outside the enclosure. Outside storage of marijuana, related supplies, or educational materials is prohibited. Notwithstanding the foregoing, all areas, in which the sales of marijuana products take place, must be visible through appropriate windows from public places.
- b. All buildings housing RMDs shall be ventilated in such a manner that:
 - i. Pesticides, insecticides or other chemicals or products used in the cultivation or processing shall not be dispersed into the outside atmosphere; and,
 - ii. Odor from marijuana or its processing shall not be detected at the exterior of the RMD building or at any adjoining use or property.
- c. Signage determined to be sufficient by the Planning Board shall be displayed in plain sight of clients at the entrance of the RMD facility stating that 'Registration Card Issued by the MA Department of Public Health Required' in text two inches in height.
- d. RMD facilities may not be located within 300 feet of the following uses, but only if the uses exist as of the effective date of this amendment to the Zoning By-Law:
 - 1. A dwelling unit;
 - 2. School, including a public or private elementary or secondary school, or child care facility;
 - 3. Playground, public park, athletic field, or building used for athletic activities and events; or,
 - 4. Library, public swimming pool or similar facility in which minors congregate.
- e. The distance under this Section is measured in a straight line from the nearest point of the lot line of the protected uses identified in Section 6E.4 d. to the nearest point of the building in which the RMD is located.

6E.5 Application

In addition to the materials required under Section 7.4.4 of the Zoning By-Law, the application for a Special Permit RMD shall include:

- a. Disclosure Statement - A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than

persons, the Applicant must disclose the identity of all such responsible individual persons for such entity;

- b. Description of Activities - A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to cultivating and processing of marijuana or marijuana infused products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;
- c. Floor Plans - a floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of marijuana-infused products;
- d. Site Plans – A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design;
- e. Service Area - A map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMD exists or have been proposed within the expected service area;
- f. Transportation Analysis - a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site;
- g. Context Map – a map depicting all lots and land uses within a 500 foot radius of the Premises, including but not limited to all of the protected uses identified in Section 6E.4 d. above;
- h. Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used;
- i. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts Department of Public Health:
 - 1. Its registration as an RMD;
 - 2. Proposed waste disposal procedures; and,
 - 3. A description of any waivers from DPH regulations issued to the RMD; and,
- j. Letters from the Police and Fire Departments indicating that they have reviewed the application materials and approve the safety and security measures of the RMD.

6E.6 Special Permit Criteria

In granting a Special Permit for a RMD, in addition to the general criteria for issuance of a Special Permit as set forth in Section 7.4.3 of this Zoning By-Law, the Planning Board shall find that the following criteria are met:

- 1. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other RMD, it has been

established by the Massachusetts Department of Public Health that supplemental service is needed.

2. The RMD meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
3. The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or economic impacts that might result from required security measures and restrictions on visibility into the building's interior.
4. The RMD provides a secure indoor waiting area for individuals and clients.
5. The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
6. Traffic generated by client trips, employee trips, deliveries to and from the RMD, and parking and queuing especially during peak periods at the RMD, shall not create a substantial adverse impact on nearby residential uses.

6E.7 Special Permit Conditions

The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's RMD, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- a. Hours of Operation, including dispatch of home deliveries.
- b. The Special Permit shall lapse within five years of its issuance. If the permit holder wishes to renew the Special Permit, an application to renew the Special Permit must be submitted at least 120 days prior to the expiration of the Special Permit.
- c. The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the RMD.
- d. The Special Permit shall lapse upon the expiration or termination of the Applicant's registration by DPH.
- e. The permit holder shall provide to the Inspector of Buildings, Chiefs of the Police and Fire Departments, and the Board of Health, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- f. The designated contact person(s) shall notify in writing the Police and Fire Departments, Inspector of Buildings, Board of Health, and the Planning Board within a minimum twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a RMD permitted under this Section.

- g. The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the RMD and to demonstrate continued compliance with the conditions of the Special Permit.

6E.8 Exemption from RMD Special Permit Requirement

RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a Special Permit, but shall apply for Site Plan Approval pursuant to Section 7.3 of the Zoning By-Law.

6E.9 Severability

If any provision of this Section shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 6E.1.

or in any way act thereon.

(Submitted by the Planning Board)

In the fall of 2012, Massachusetts voters legalized the sale of marijuana for medical use only. In response, the Town adopted a one year moratorium (expires June 30, 2014) in order for the Department of Public Health to promulgate regulations for licensing of dispensaries. This article seeks to regulate the placement of dispensaries and to mitigate their impacts.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes____ **No**____

ARTICLE 13:

REQUIRE 'AS-BUILT' PLAN SUBMISSION AND APPROVAL

To see if the Town will vote to amend Section 4.1 of the Zoning By-Law, General Requirements, by inserting a new paragraph after the existing paragraph that will require submission and approval of an 'as built' plan to verify that any new building comply with the dimensional regulations contained in Section 4.2 as follows:

4.1 General Requirements

The erection, extension, alteration, or moving of a structure, and the creation or change in size or shape of a lot shall be permitted only in compliance with the intensity and dimensional requirements set forth herein, except as provided at Section 1.5, Non-Conforming Uses and Structures, and in Section 6, Chapter 40A, Massachusetts General Law, and except for lot line changes which create neither additional lots nor increase in nonconformity.

In order to verify that any new construction requiring a plot plan at the time of building permit application complies with the intensity and dimensional requirements set forth herein and any conditions imposed by the SPGA, an 'as-built' plan shall be required. This plan, paid for by the property owner, prepared and stamped by a professional engineer (P.E.), architect or Registered Professional Land Surveyor (RPLS) shall be submitted to the Office of Community Development and approved by the Inspector of Buildings prior to the issuance of a Certificate of Occupancy for that building.

or in any way act thereon.

(Submitted by the Planning Board)

This article seeks to insure that all new construction complies with the Zoning By-Laws.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes ___ No ___

ARTICLE 14: ADDRESS CITIZENS’ PETITION FROM 2013 SPECIAL TOWN MEETING

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for ‘Dwelling’ new definitions for ‘Dwelling, Single-Family’ and ‘Dwelling, Two-Family’, as follows:

Section 1.4, Definitions and Abbreviations

Dwelling – A building containing one or more dwelling units separated by side yards from any other structure or structures except accessory buildings.

Dwelling, Single-Family – A single residential building designed for occupancy by one family.

Dwelling, Two-Family – A single residential building designed for occupancy by two families:

➤ **Traditional, Two-Family (Horizontal Style) –**

- Each unit is completely separated by a common horizontal element (i.e., interior floor-ceiling assembly), and
- At least 75% of one dwelling unit must be directly above or below the other, or

➤ **Duplex (Vertical Style) –**

- A structure containing two dwelling units that share a common vertical wall and roof, and
- Each unit has direct access to the outside.

2. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for ‘Swimming Pool’ a new definition for ‘Townhouse’, as follows:

Section 1.4, Definitions and Abbreviations

Swimming Pool – An artificial receptacle capable of containing a body of water, whether in or above ground, or created by artificial means from a natural watercourse, and all appurtenances, equipment, appliances and other facilities for its operation, maintenance or use, used or intended to be used by the owner or tenant thereof and his/her family and by friends invited to use it without payment of any fee, but not including portable or other pools incapable of containing a depth of water exceeding 24 inches at any point.

Townhouse – A one-family dwelling unit, with a private entrance, which is part of a residential structure containing three or more dwelling units that are attached horizontally in a linear arrangement, and having two or three totally exposed walls, depending on the number of units in structure, to be used for access, light, and ventilation.

3. To see if the Town will vote to amend Section 1.5.4 of the Zoning By-Law, Nonconforming Single and Two-Family Residential Structures, by inserting a new paragraph at the beginning of the Section as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

In the General Residence Zoning District, as provided in M.G.L. c.40A, §6, pre-existing nonconforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Planning Board. On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), pre-existing nonconforming single and two-family structures may not be voluntarily demolished and reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

In all other districts, nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstances:

4. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, by inserting '(see §6D)', a reference to Section 6D, after the use 'Detached single-family dwelling' and 'Two-family dwelling' and by changing the 'Y' to 'SP' for 'Two-family dwelling' in the GR Districts and 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
Detached single-family dwelling <u>(see §6D)</u>	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling <u>(see §6D)</u>	N	<u>SP</u>	Y	SP	SP	SP	N	N

5. To see if the Town will vote to amend the Zoning By-Law by deleting Section 4.2, Schedule of Dimensional Regulations, in its entirety and replacing it with a new Section 4.2, Schedule of Dimensional Regulations, as follows:

4.2 Schedule of Dimensional Regulations

4.2.1 Area Requirements

	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT AREA PER DWELLING UNIT	MAXIMUM FLOOR AREA RATIO	MAXIMUM LOT COVERAGE	MINIMUM OPEN SPACE
DISTRICTS	SQ. FT.	FEET	SQ. FT./D.U.		% OF LOT	% OF LOT
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
SR-C	9,000	75	--	--	25%	50%
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	35%	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

- 1) In the GR District, a minimum lot area of 7,000 square feet and a minimum lot frontage of 70 feet shall exist for a two-family dwelling.
- 2) In the GR District, the Planning Board may grant a Special Permit to modify the minimum lot area per dwelling unit and/or the minimum lot frontage requirements, pursuant to Sections 6D and 7.4 of the Zoning By-Law, provided that the lot size and frontage of the lot on which the two-family dwelling will be constructed has a minimum lot size of 5,000 square feet and a minimum lot frontage of 50 feet.
- 3) In an LBI District, a floor area ratio up to a maximum of 1.5 may be allowed by Special Permit from the Board of Appeals (see §4.4).

4.2.2 Linear Requirements for Residential Districts

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D					
➤ Dwelling	30	15	40	36	2½
➤ Other	30	15	25	36	2½
SR-B and SR-C					
➤ Dwelling	25	10	30	36	2½
➤ Other	25	10	25	36	2½
GR					
➤ Dwelling	20	10	20	33	2½
➤ Other	20	10	12	33	2½
AH	30	30	30	60	--

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.
2. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, nor 20% of the lot depth in a General Residence District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 10 feet in the General Residence District or 15 feet in Single Residence Districts.
3. Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR District shall not exceed the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.
4. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard for this provision is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot.
5. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.
6. On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less

than 30% of lot depth in Single Residence B and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts.

7. In the SR Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.
8. In the GR Districts, on lots having depth of greater than 100 feet, dwelling setback from the rear lot line shall equal 20% of the lot depth.
9. For structures other than dwellings, on lots having depth of less than 100 feet, principal building setback from the rear lot line shall equal not less than 25% of lot depth in Single Residence Districts or 15% of lot depth in General Residence Districts. For accessory buildings, see Section 4.3.5.

B. Height

1. Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.
2. In the SR Districts, greater height is permitted provided the building setback from each street and lot line exceeds otherwise applicable requirements by 10 feet plus one foot for each foot of excess height, but in no case shall building height exceed 60 feet or 4 stories in height.

4.2.3 Linear Requirements for Commercial Districts

COMMERCIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
LB I	5	6 or None	6 or none	28	2
LB II	10	0	20	32	2
LB III	10	0	20	28	2
GB	5	6 or None	6 or none	36	--
PL	--	--	--	--	--

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.

2. In the LB III Districts, for structures originally built as residences and not adjacent to Residential District, the lesser of the side setback existing as of May 5, 2003, or 10 feet.
3. Adjacent to Residential District, the side and/or rear setback shall be no less than building height or 20 feet, whichever is greater.

B. Height

1. Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.
2. No more than two stories wholly or partially above grade.
3. In LBI Districts, a maximum building height of up to 32 feet and 3 stories may be allowed by Special Permit from the Board of Appeals, as provided in Section 4.4.

6. To see if the Town will vote to amend Section 4.3.4 of the Zoning By-Law, Exception for Recorded Lots, by deleting the third paragraph and associated criteria, so that the Section reads as follows:

4.3.4 Exception for Recorded Lots

As provided in Section 6 of Chapter 40A, Massachusetts General Law, any increase in the area, frontage, width, or setback requirements of this By-Law shall not apply to a lot to be used for single- and two-family dwellings if at the time of its recording the lot was:

- 1) Not held in common ownership with any adjoining land,
- 2) Conformed to then existing requirements, and
- 3) Had less than the proposed requirement but at least 5,000 square feet of area and 50 feet of frontage.

~~Applicants seeking this exemption shall document to the Building Inspector the lot's eligibility for it, through copies of recorded deeds for that and adjoining properties as of the date of adoption of the requirements not being complied with.~~

~~In addition, in the General Residence District, the separate use of contiguous nonconforming lots for erection of single-family or two-family~~

- ~~1) Conforming at the time any instrument on which it was shown was first recorded in the Registry of Deeds,~~
- ~~2) Contains at least 5,000 square feet of lot area and has 50 feet of frontage, and~~
- ~~3) Is consistent in size and shape with the prevailing pattern in the vicinity.~~

7. To see if the Town will vote to amend the Zoning By-Law by inserting a new Section 6D, Single and Two-Family Dwellings in the General Residence Zoning Districts, after Section 6C, The Oakley Neighborhood Smart Growth Overlay District, as follows:

**Section 6D. Single and Two-family Dwellings
in the General Residence Zoning Districts**

6D.1 Purpose

The purpose of this Section is to promote development of single and two-family dwellings that are compatible with the surrounding built environment.

6D.2 Time Limitation

The provisions of this Section shall expire on the earlier of either June 30, 2018, or until such future time that the Belmont Town Meeting enacts superseding regulations for the General Residence Zoning Districts.

6D.3 Use Regulation and Authority

Single and two-family dwellings in the General Residence Zoning Districts shall require Design and Site Plan Review from the Planning Board, pursuant to this Section and Section 7.3 of this Zoning By-Law.

The Planning Board shall be the Special Permit Granting Authority for all single and two-family dwellings in the General Residence Zoning Districts that require a Special Permit.

6D.4 Performance Standards

- a. Scale of Building. The building shall be sited and constructed in a manner that is consistent with the scale of other structures in the neighborhood through the use of appropriate massing, front setbacks, and other architectural techniques such as variation in detail, form and siting.
- b. Design of Building. The building shall be designed consistent with the prevailing character of buildings in the neighborhood including the use of appropriate materials and other architectural techniques such as style, roof design and pitch, window design, and color. Front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards. The front door accessing the second unit shall be setback no greater than 25% of the setback of the unit closest to the street.
- c. Height. The height of the building should be compatible with the style and character of the buildings in the surrounding neighborhood.
- d. Proportions. The proportions and relationships of height to width between windows, doors, and other architectural elements should be compatible with the architectural style and character of the surroundings.
- e. Building and Driveway Siting. The building and driveway shall be sited so as to work with the natural topography of the site. Re-grading should be kept to a minimum and shall be in keeping with the general appearance of the neighboring developed areas. The development shall be integrated into the existing terrain and surrounding landscape and shall maximize retention of open space; and, minimize tree, vegetation and soil removal, blasting and grade changes. No more than one curb cut shall be allowed for lots with less than 70' of frontage; except in situations

where the Applicant can demonstrate that the second curb cut is in harmony with the surrounding neighborhood.

- f. Circulation. Walkways, drives and parking shall be safe and convenient and not detract from the use and enjoyment of adjacent properties, sidewalks, and Town streets.
- g. Lighting. Exterior lighting shall be minimized and only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
- h. Open Space (landscape). The landscape shall be preserved in its natural state by minimizing use of any grade changes and vegetation and soil removal. The open space shall be as extensive as is practicable and the landscape shall be designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. Reasonable efforts shall be made to save significant trees and enhance the landscaping.
- i. Relation of Structures and Spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surrounding area.
- j. Screening. Objectionable features shall be screened from abutting properties. Consideration shall be given to the need for vegetated buffers. The larger the house, the greater the buffer that will be required.
- k. Drainage. The development shall comply with the Stormwater and Erosion Control Bylaw (General Bylaws Section 60-325). As such, measures shall be incorporated to prevent increased rates of runoff, minimize potential for flooding, and maximize groundwater recharge.
- l. Street Trees. During construction, street trees shall be protected to insure their survival. The number and size of curb cuts shall be minimal to protect the roots of the trees. Construction vehicles and staging areas shall be kept away from the drip line of the trees. Where feasible, the addition of street trees is encouraged.

6D.5 Submission Requirements for Design and Site Plan Review

In addition to the documents required to be submitted pursuant to Section 7.3, each application for Design and Site Plan Review shall be accompanied by ten copies of the following:

1. Scale drawings showing proposed architectural elevations and sections,
2. A site plan showing property boundaries, existing and proposed grades, the location of all existing and proposed structures, driveways and driveway openings, existing and proposed lighting, existing and proposed landscape features both vegetative and structural.
3. Photographs or other readily available data concerning the location and size of structures on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the development under consideration.

The Planning Board may, in its discretion, waive any portions of the submission requirements or request additional information that directly relates to the purpose of this Section or to the Planning Board's evaluation of the applicable standards under Section 6D.4.

6D.6 Special Permit Standards

- a. An application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-Law.
- b. Special Permit Standards

Notwithstanding the provisions of Section 7.4.3, a Special Permit shall be issued if, upon submission of all required materials and documents and compliance with the procedures set forth in Section 7.4.4, the Planning Board finds that it is:

- 1) Generally in harmony with the neighborhood; and
- 2) Neither generates excessive traffic, parking, noise or density impacts on the abutters, or creates other detrimental effects on the neighborhood.

Such Special Permit shall be subject to any limitations imposed pursuant to Sections 6D.7 and 7.4.5.

- c. Factors to Consider in Special Permit Decision

In making any Special Permit decision pursuant to this Section, the Planning Board shall consider, in addition to those set forth in Section 7.4, the following:

1. Scale and design of the structure;
2. The siting of the structure and driveway;
3. Walkway, driveway and parking circulation;
4. Exterior lighting;
5. Open Space and screening; and,
6. Drainage.

6D.7 Conditions of Approval

In granting a Special Permit under this Section, the Planning Board may impose such other conditions, safeguards and limitations on time or use that it determines to be appropriate to assure compliance with the applicable criteria set forth in this Section including, but not limited to conditions:

- a. Specifying the required number of on-site parking spaces and their location;
- b. Requiring installation of additional landscaping; and,
- c. Requiring a performance guarantee to insure preservation of street trees.

6D.8 Severability, Conflict with Other By-Laws

- 1) To the extent that a conflict exists between this By-Law and other By-Laws of the Town of Belmont, the more restrictive provisions shall apply.

2) If a court of competent jurisdiction holds any provision of this By-Law invalid, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this By-Law shall not affect the validity of the remaining sections or parts of sections or the other By-Laws of the Town of Belmont.

or in any way act thereon.

(Submitted by the Planning Board)

This article seeks to address the Citizens Petitioned Moratorium adopted by the 2013 Special Town Meeting. The purpose of this amendment is to promote new development that is compatible with the surrounding built development.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes ___ **No** ___

ARTICLE 15: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY15 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY15; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; or in any way act thereon.

PROJECT FUNDS REQUESTED:

Amount	Project Name	Category	Funding Sources
\$ 8,700	JV Field Irrigation Upgrade	Recreation	Open Space/Recreation
\$165,000	Electrical Upgrade	Community Housing	Community Housing
\$ 66,524	Daniel Butler School Playground Project (Phase II)	Recreation	Open Space/Recreation
\$100,000	Winn Brook Field Renovation	Recreation	Open Space/Recreation
\$375,000	First Time Homebuyer Assistance	Community Housing	Community Housing
\$ 12,000	Belmont Community Moving Image Archive	Historic Resources	Historic Resources

This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections. The above table includes proposed project appropriations only; appropriations to the reserves for future appropriations, and for administrative expenses, will also be offered by the Community Preservation Committee.

(Submitted by the Community Preservation Committee)

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

Majority vote required for passage.

Yes ___ **No** ___

ARTICLE 18:**SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to fix the salary and compensation of each and all the elected 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.

Elected Officials of the Town	Salary	
Town Moderator	\$200	
Chair of the Board of Selectmen	\$5,000	
Selectmen (2)	\$4,500	(each)
Town Clerk	\$82,971	
Town Treasurer	\$94,602	
Chair of the Board of Assessors	\$3,030	
Assessors (2)	\$2,200	(each)

This article fulfills the state law requiring Town Meeting to set the compensation levels and to appropriate the funds necessary for FY15. Please note that Town Meeting establishes and appropriates the compensation of other municipal employees under Article 20.

The Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes ___ **No** ___

ARTICLE 19: ENTERPRISE FUNDS 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; or in any way act thereon.

This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.

The Warrant Committee will report orally on this Article.

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

Yes ___ **No** ___

ARTICLE 20:**FY15 BUDGET APPROPRIATION**

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2014 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; to determine how the same shall be raised, or in any way act thereon.

This article appropriates the Town's FY15 budget, commencing on July 1. The budget consists of several categories of expenditures, each require a separate vote of Town Meeting. Due to uncertainty regarding the amount of state aid, the budget will be heard at the June sessions of Town Meeting. The Warrant Committee Report contains the budget summary and supporting information in advance of the sessions.

The Warrant Committee will report orally on this Article.

Majority vote required for passage.

Yes ___ **No** ___

ARTICLE 21: AUTHORIZATION TO TRANSFER BALANCES TO FUND THE FY15 BUDGET

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 FY15 (the General Fund Budget).

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

Majority vote required for passage. Yes____ No____

ARTICLE 22: AUTHORIZATION FOR UP-FRONT FUNDS FOR CHAPTER 90 HIGHWAY IMPROVEMENTS

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

This article seeks to appropriate "up-front" funds that will be reimbursed from state highway aid, referred to as Chapter 90. This aid is authorized by the Legislature through state transportation bond issues. The estimated apportionment will be reported prior to the June sessions of Town Meeting. These funds, when supplemented with capital budget funds, will be used for the Town's Pavement Management Program to extend the life of our roadway system. In addition, the Town has used Chapter 90 funds to "leverage" substantial state/federal funding to design major road projects (i.e., Trapelo Road).

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

Majority vote required for passage. Yes____ No____

ARTICLE 23: 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; or in any way act thereon.

This is a standard article to appropriate funds for capital expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY15 capital expenditures will be provided prior to the June session of Town Meeting.

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

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

ARTICLE 24: OTHER POST EMPLOYMENT BENEFITS (OPEB) STABILIZATION FUND APPROPRIATION

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

This article seeks to appropriate \$264,882 from available free cash or other available funds for future Town liabilities for Other Post Employment Benefits.

The Warrant Committee will report orally on this Article.

Two-thirds vote required for passage. Yes ___ No ___

ARTICLE 25: AUTHORIZATION FOR REVOLVING FUNDS

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

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

The Warrant Committee will report orally on this Article.

Majority vote required for passage. Yes ___ No ___

ARTICLE 26: APPROPRIATION FOR INSURANCE PROCEEDS

To see if the Town will vote to appropriate a sum of money in insurance proceeds to the School Department Building Rental Revolving Account, or in any way act thereon.

This article seeks to appropriate \$50,941.80 from insurance proceeds related to the repair of a burst pipe in the Belmont High School boiler room to reimburse the School Department Rental Account.

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

Majority vote required for passage. Yes ___ No ___

ARTICLE 27:

BELMONT HIGH SCHOOL HVAC BORROWING DE-AUTHORIZATION

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$57,074 that was appropriated under Article 10 of the June 18, 2007 Annual Town Meeting for the purpose of performing improvements to the Belmont High School HVAC; or in any way act thereon.

This article rescinds the authority to borrow funds that were not needed for improvements to the Belmont High School HVAC. The total authorization was approved for \$1,000,000 on Article 10 of the June 18, 2007 Town Meeting.

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

Majority vote required for passage.

Yes _____ **No** _____



Given under our hands this 7th day of April, 2014.

BELMONT - BOARD OF SELECTMEN

Andrés T. Rojas, Chair



Sami S. Baghdady, Vice Chair



Mark A. Paolillo

A True Copy, Attest

Town Clerk of Belmont, MA

You are invited to attend

Warrant Briefing

Monday, April 28th, 2014

at 7:00 pm

**Beech Street Center
266 Beech Street**

**Opportunity to ask questions about
Warrant articles
prior to May 5th
Annual Town Meeting**

**Town Officials and Department Heads
will be present to provide information**

**Michael Libenson
Chairman of the Warrant Committee
will preside**

**Cosponsored by
the Warrant Committee and the**



**Belmont League of Women Voters®
Education Fund**



MOTIONS
2014 ANNUAL TOWN MEETING
DRAFT as of April 10, 2014
(Subject to Change)

PRELIMINARY MOTION

ORDER OF THE ARTICLES

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

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

ARTICLE 1:

REPORTS

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees for the year 2013 be accepted. *(Majority vote)*

MOVED: That Article 1 motion be laid on the table. *(Majority vote)*

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

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

ARTICLE 4:

**USE OF PUBLIC LAND BYLAWS – LONE TREE HILL,
BELMONT CONSERVATION LAND**

MOVED: That under Article 4, the reading of the proposed amendment to Article 10 of the Town's General Bylaws pertaining to "Use of Town Property" be dispensed with, the same being set forth in full under Article 4 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the General Bylaws by inserting a new Article 10, "Use of Town Property", as set forth in full under Article 4 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve nonsubstantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.
(Majority vote)

Reporting: Bylaw Review Committee

ARTICLE 5: AMEND GENERAL BYLAWS FOR “CRIMINAL HISTORY CHECKS”, §60-905

MOVED: That under Article 5, the reading of the proposed amendment to Article 9 of the Town’s General Bylaws pertaining to “Criminal History Checks” 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. (*Majority vote*)

MOVED: That the Town vote to amend §60-905 of the General Bylaws to correct clerical errors as set forth in full under Article 5 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont. (*Majority vote*)

Reporting: Bylaw Review Committee

**ARTICLE 6: CITIZENS’ PETITION - DELETE GENERAL BYLAWS
§ 60-800 I. RESIDENTIAL SNOW REMOVAL**

MOVED: That under Article 6, the reading of the proposed amendment to Article 9 of the Town’s General Bylaws pertaining to “Residential Snow Removal” 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. (*Majority vote*)

MOVED: To amend Section 60-800 of the General Bylaws by:

(a) striking Subsection I therefrom in its entirety;

(b) redesignating Subsection J thereof as “Subsection I” and amending said Subsection as follows:

I. In addition to the provisions for enforcement set forth elsewhere in this Section, the requirements of Subsections A, B, D(2), E(2), G and H of this Section and any regulations adopted thereunder may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D (“§ 21D”). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.

- (1) An Enforcing Person taking cognizance of a violation of Subsection A, B, D(2), E(2), G or H or any rule or regulation adopted thereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by reference.
- (2) “Enforcing Person,” as used in this Subsection, shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Board of Selectmen as an enforcing person.

and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.

(Majority vote)

Reporting: Bylaw Review Committee

ARTICLE 7: CITIZENS' PETITION - GENERAL BYLAWS REGARDING YARD SALES

MOVED: That under Article 7, the reading of the proposed amendment to Article 9 of the Town's General Bylaws pertaining to "Yard Sales, Garage Sales and Tag Sales" be dispensed with, the same being set forth in full under Article 7 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: To amend Chapter 60 of the General Bylaws by amending Article 9 by adding the following new section:

Article 9

§ 60-910 Private Sales

A. Purpose

The purpose of this Section is to continue to allow private citizens, civic groups and neighborhood groups to conduct private sale events known variously as garage sales, yard sales, tag sales, driveway sales, and moving sales (collectively referred to herein as "Private Sales"), so long as they are carried out in conformity with the Town's bylaws and is respectful of neighbors. Neighboring residents' willingness to tolerate these sales cheerfully can be expected only if they take place infrequently.

B. Application

(1) Any person or group intending to hold a Private Sale shall obtain a permit therefor from the Town Clerk. No more than three permits per calendar year may be issued for Private Sales at a single address. Copies of the issued permit shall be sent by the Town Clerk to the Police Department.

(2) Any person or group holding a Private Sale shall take appropriate steps to avoid creating traffic congestion, unsafe parking conditions, unreasonable noise or other neighborhood nuisance.

(3) A single Private Sale may be held over the course of a Saturday and Sunday in a single weekend. Sale hours shall not commence before 8:30 a.m. and shall end each day by 5:30 p.m. All unsold items or objects from the sale shall be stored out of public view by 6:00 p.m.

(4) All signs erected or posted in connection with a Private Sale shall be promptly removed at the end of the sale.

(5) If it is substantiated that a person or group is holding a Private Sale without a permit issued pursuant to this Section the Belmont Police are authorized to order the sale to cease immediately. Thereafter, any person or group attempting to reestablish a Private Sale at the same address during the calendar year without a permit shall be subject to a fine of \$300 for each violation.

(6) The Belmont Police are authorized to enforce this Section by issuing non-criminal citations as provided in M.G.L. c. 40, § 21D. The penalty for any violation of this Section shall be \$50 for each offense.

“and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.”

(Majority vote)

Reporting: Bylaw Review Committee

ARTICLE 8: AMEND GENERAL BYLAWS FOR “ANIMALS”, §60-200

MOVED: That under Article 8, the reading of the proposed amendment to Article 2 of the Town’s General By-Laws pertaining to “Pets and Other Animals” be dispensed with, the same being set forth in full under Article 8 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to delete Chapter 60, Article 2 of the General Bylaws Section 60-200 “Pets and Other Animals” and Section 60-205 “Kennels” and replace with Sections as set forth in full under Article 8 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont. *(Majority vote)*

Reporting: Bylaws Review Committee

ARTICLE 9: ALLOW KENNELS BY SPECIAL PERMIT IN CERTAIN DISTRICTS

MOVED: That under Article 9, the reading of the proposed amendment of the Town’s Zoning By-Law pertaining to “Sections 1.4 and 3.3” be dispensed with, the same being set forth in full under Article 9 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for ‘Height, Building’, definitions for ‘Kennel’ and for five (5) types of Kennels, ‘Commercial Boarding or Training’, ‘Commercial Breeder’, ‘Domestic Charitable Corporation’, and ‘Personal’, and
2. Section 3.3, Schedule of Use Regulations, in the ‘Business’ category, by inserting the new uses ‘Kennels’ and the four sub types of Kennels after the use ‘Solar Energy System’ and in the ‘Accessory Uses’ category insert the new use ‘Personal Kennel’ after the use ‘Commercial provision for the care and recreation of dogs,

as set forth in full under Article 9 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

ARTICLE 10: CHANGE HOME OCCUPATION CERTIFICATE EXPIRATION

MOVED: That the Town vote to amend Section 3.4.2 of the Zoning By-Law, Home Occupations, as set forth in full under Article 10 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

ARTICLE 11: ALLOW SHARED DRIVEWAYS BY SPECIAL PERMIT IN RESIDENTIAL DISTRICTS

MOVED: That under Article 11, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 3.3, and 5.1.3" be dispensed with, the same being set forth in full under Article 11 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Development' a new definition for 'Driveway, Shared',
2. Section 3.3, Schedule of Use Regulations, in the 'Accessory Uses' category insert the new use 'Shared Driveway' after the use 'Solar Energy System', and
3. Section 5.1.3, Parking and Loading Area Location and Design, by inserting a new subsection 'k) Shared Driveway',

as set forth in full under Article 11 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board

ARTICLE 12: CREATE A MEDICAL MARIJUANA OVERLAY DISTRICT

MOVED: That under Article 12, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 3.3, and 6E" be dispensed with, the same being set forth in full under Article 12 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Premises' a new definition for 'Registered Marijuana Dispensary',
2. Section 3.3, Schedule of Use Regulations, by inserting the new use 'Registered Marijuana Dispensary' after 'Solar Energy System', and
3. By inserting a new Section 6E, 'Medical Marijuana Overlay District', after a proposed new Section 6D, 'Single and Two Family Dwellings in the General Residence Zoning Districts,

as set forth in full under Article 12 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board

ARTICLE 13: REQUIRE 'AS-BUILT' PLAN SUBMISSION AND APPROVAL

MOVED: That under Article 13, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Section 4.1" be dispensed with, the same being set forth in full under Article 13 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend Section 4.1 of the Zoning By-Law, General Requirement, by inserting a new paragraph after the existing paragraph that will require submission and approval of an 'as-built' plan to verify that any new building comply with the dimensional regulations contained in Section 4.2 as set forth in full under Article 13 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

ARTICLE 15: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS

MOVED: That the Town reserve for appropriation the following amounts from estimated FY15 receipts of **\$1,129,974** as recommended by the Community Preservation Committee:

1. \$112,997 for acquisition, creation and preservation of open space and for recreational use;
2. \$112,997 for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$112,997 for the creation, preservation and support of community housing;
4. \$734,485 to the budgeted reserve; and
5. \$56,498 to be appropriated for the Administrative Expenses and all other necessary proper expenses of the Community Preservation Committee for FY15

(Majority vote)

MOVED: That the Town reserve for appropriation the following amounts from FY13 receipts of **\$232,884** as recommended by the Community Preservation Committee:

1. \$23,288 for acquisition, creation and preservation of open space and for recreational use;
2. \$23,288 for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$23,288 for the creation, preservation and support of community housing;
4. \$163,020 to the budgeted reserve.

(Majority vote)

MOVED: a) That **\$8,700** be appropriated for the JV Field Irrigation Upgrade and to meet this appropriation, **\$8,700** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: b) That **\$165,000** be appropriated for the Belmont Housing Authority for an internal electric service upgrade at Belmont Village, and to meet this appropriation, **\$165,000** be appropriated from the Community Housing Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: c) That **\$66,524** be appropriated for the Daniel Butler School Playground Project and to meet this appropriation, **\$66,524** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: d) That **\$100,000** be appropriated for the Winn Brook Field Recreation Project and to meet this appropriation, **\$100,000** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: e) That **\$375,000** be appropriated for the First Time Homebuyer Assistance Program for three individual awards and to meet this appropriation, **\$135,134** be appropriated from the Community Housing Reserve Account, **\$171,296** be appropriated from the Budgeted Reserve, and **\$68,570** be appropriated from the Undesignated Account of the Community Preservation Fund. (*Majority vote*)

MOVED: f) That **\$12,000** be appropriated for the Belmont Community Moving Image Archive and to meet this appropriation, **\$12,000** be appropriated from the Historic Preservation Reserve Account of the Community Preservation Fund. (*Majority vote*)

Reporting: Warrant Committee, Community Preservation Committee, and Capital Budget Committee

ARTICLE 16: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS - UNDERWOOD POOL

MOVED: That **\$2,000,000** be appropriated for the Underwood Pool and Park Project and to meet this appropriation, **\$75,818** be appropriated from the Open Space/Recreation Reserve Account, **\$239,042** be appropriated from the Historic Preservation Reserve Account, **\$1,527,998** be appropriated from the Budgeted Reserve, and **\$157,142** be appropriated from the Undesignated Account of the Community Preservation Fund. (*Majority vote*)

Reporting: Warrant Committee, Community Preservation Committee, and Capital Budget Committee

ARTICLE 17: UNDERWOOD POOL PROJECT APPROPRIATION BY BORROWING

MOVED: That **\$2,902,000** be appropriated for the purpose of Design, Demolition and Reconstruction of the Underwood Pool facility on Cottage Street and further to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow a sum of **\$2,902,000** and issue bonds or notes under the provision of Chapter 44 of the General Laws or any enabling authority; that the Treasurer, with the approval of the Board of Selectmen, and in connection therewith, is authorized to enter into loan agreement; and that the Board of Selectmen is authorized to expend all funds for the projects and to take any action necessary to carry out the project. (*Two-thirds vote*)

Reporting: Warrant Committee and Community Preservation Committee

ARTICLE 3: AMENDMENT TO MINUTEMAN REGIONAL VOCATIONAL HIGH SCHOOL REGIONAL AGREEMENT

MOVED: That under Article 3, the reading of the proposed amendment to Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" be dispensed with, the same being distributed to each Town Meeting Member in addition to the Warrant under Article 3 for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town, acting consistent with Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District, accepts the amendments to said

Agreement which have been initiated and approved by a vote of the Minuteman Regional School Committee on March 11, 2014 and which have been submitted to the Selectmen as a restated "Regional Agreement" bearing the date of March 11, 2014. (*Majority vote*)

Reporting: Belmont's Regional School Committee Representative and the Warrant Committee

ARTICLE 14: ADDRESS CITIZENS' PETITION FROM 2013 SPECIAL TOWN MEETING

MOVED: That under Article 14, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 1.5.4, 3.3, 4.2, 4.3.4, and 6D" be dispensed with, the same being set forth in full under Article 14 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Dwelling' new definitions for 'Dwelling, Single-Family' and 'Dwelling, Two-Family',
2. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Swimming Pool' a new definition for 'Townhouse',
3. Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting a new paragraph at the beginning of the Section,
4. Section 3.3, Schedule of Use Regulations, by inserting '(see §6D)', a reference to Section 6D, after the use 'Detached single-family dwelling' and 'Two-family dwelling' and by changing the 'Y' to 'SP' for 'Two-family dwelling' in the GR Districts,
5. Section 4.2, Schedule of Dimensional Regulations, by deleting this Section in its entirety and replacing it with a new Section 4.2, Schedule of Dimensional Regulations,
6. Section 4.3.4, Exception for Recorded Lots, by deleting the third paragraph and associated criteria, and
7. By inserting a new Section 6D, Single and Two-Family Dwellings in the General Residence Zoning Districts, after Section 6C, The Oakley Neighborhood Smart Growth Overlay District,

as set forth in full under Article 14 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board

ARTICLE 4 - GENERAL BYLAW FOR LONE TREE HILL, BELMONT CONSERVATION LAND

The Property

Lone Tree Hill, Belmont Conservation Land is the former McLean Open Space, consisting of land acquired by the Town from McLean Hospital in 2005 and a publically accessible portion of McLean-owned land, governed by Conservation Restrictions, and totaling some 119 acres. The Conservation Restrictions on the property are preserved in perpetuity meaning that no development can happen on this special land. This conservation-restricted land that has been deemed to provide significant and/or historic landscapes, landscape features and significant scenic beauty and opportunities for passive recreation consistent with the protection of open space and habitat and consists of mature forest, fields, meadows, scrub pine forest, vernal pools and wetlands.

The Land Management Committee for Lone Tree Hill

The land is open and invites public use on the many trails and is managed by the Land Management Committee for Lone Tree Hill, created by the Memorandum of Agreement between the Town of Belmont and McLean Hospital. The committee consists of nine members, four from Belmont, four for McLean and one from The Trustees for Reservations, holder of the deed Conservation Restrictions. The work of the Committee is funded by the McLean Open Space Maintenance Fund created by the original McLean transaction, by the revenue from the cell tower in the inactive cemetery land as well as by generous grants from local land preservation/conservation groups; it is not funded by Belmont property tax. Groups such as the Judith K. Record Memorial Conservation Fund, New England Mountain Bike Association, Belmont Citizens Forum and Belmont's Eagle Scout candidates and volunteers from Belmont Serves contribute time, talent and funds to allow the Committee to achieve its objectives for the property.

Why a General Bylaw is Needed

The Land Management Committee had developed rules for the use of Lone Tree Hill. When we have turned to the Belmont Police to enforce some of the rules, we've been advised that we need to adopt a General Bylaw to allow the issuance of non-criminal tickets, a procedure the Town uses to enforce many of our Bylaws. The typical situations at Lone Tree Hill involve drinking, setting up and using tents, shooting bows and arrows or air rifles, and most recently even the installation of maple-sap taps on ten of the trees. None of these activities is in concert with the conservation and preservation values for the site or permitted by the Conservation Restrictions.

The General Bylaw presented for vote at Town Meeting articulates the rules for the property and allows the Police and others named by the Board of Selectmen to enforce the rules.

Please Visit Lone Tree Hill

The main entrance to Lone Tree Hill located at 251 Mill Street and includes a small parking lot. The trail map can be viewed and downloaded from the Town website as well as studies, projects, and goals and objectives.

http://www.belmont-ma.gov/Public_Documents/BelmontMA_BComm/landmanagement/mclean

We want more visitors to the property; drive to Mill Street and park in the lot, walk or bike to the property and enjoy the trails, the nature, the sunsets, the peace and the vistas ! Please "take a walk in the wild" at Lone Tree Hill, Belmont Conservation Land.

We ask your support of Article 4 at Annual Town Meeting to help us preserve this Conservation Land.



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT
19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

Telephone: (617) 993-2650 Fax: (617) 993-2651

Memorandum

To: Town Meeting Members
From: Belmont Planning Board
Date: April 3, 2014

RE: Planning Board Report to the 2014 Annual Town Meeting

Pursuant to the requirements of Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board hereby provides the following recommendations on the zoning amendments that will appear before the 2014 Annual Town Meeting. Sitting for the Board were Michael Battista, Chair, Elizabeth Allison, Sami Baghdady, Charles Clark, Joseph DeStefano, and Karl Haglund, associate member. The Board held duly posted public hearings in the Board of Selectmen's Meeting Room in Town Hall and deliberated and voted on each of the zoning amendments. Many of these amendments require amending more than one section of the Zoning By-Laws. A brief overview of the zoning amendments, the reasons for them and the Board's recommendations to the Town Meeting are provided below.

Article 9 - Allow Kennels by Special Permit in Certain Districts
(Session A – May 5, 2014)

In 2012, the State legislature significantly overhauled the municipal animal control laws, including new definitions and licensing requirements for kennels. The Town Clerk and the Board of Health began to revise the General By-Laws to reflect these changes. During review of these proposed changes, Town Counsel advised that the Planning Board should look at the Zoning By-Law as well.

Currently, the Zoning By-Law does not regulate kennels. The proposed amendment would allow doggie day care (day time services only, no overnight boarding) in the Local Business II, Local Business III and General Business Zoning Districts by Special Permit. The amendment would also allow overnight boarding in the General Business Zoning District by Special Permit as well. Personal kennels (more than 4 dogs), as an accessory use, would be allowed by Special Permit in the Single Residence A, B, C, and D Zoning Districts.

RECEIVED
TOWN CLERK
BELMONT, MA.
APR 4 9 47 AM '14

The Board held a public hearing on March 4, 2014. During the public hearing, several members from the audience expressed concern about allowing doggie day care within the Local Business II Zoning District.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to allow kennels by Special Permit in certain commercial districts.**

Article 10 – Change Home Occupation Certificate Expiration

(Session A – May 5, 2014)

A home business is required to get a Home Occupation Certificate (HOC) from the Office of Community Development and a Business Certificate (BC) from the Town Clerk's Office. The problem – HOCs are renewed every 3 years while BCs are renewed every 4 years. This creates confusion for those residents that have home occupations.

The BCs renewal time line is based on State Law, which can only be changed by the State Legislature. On the other hand, the HOCs renewal time line is contained within the Town's Zoning By-Law, which can be amended by Town Meeting. The Town Clerk requested that the Home Occupation Zoning By-Law be amended to require renewal every 4 years so that the renewal time for the HOCs and the BCs are the same.

The Board held a public hearing on February 25, 2014. No questions, comments, or concerns were raised during the hearing regarding this amendment.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to change the renewal time of Home Occupation Certificates to 4 years.**

Article 11 – Allow Shared Driveways by Special Permit in Residential Districts

(Session A – May 5, 2014)

Several years ago, the Director of Community Development queried Town Counsel about the legality of shared driveways in residential districts. According to her review, shared driveways are an accessory use; however, they are not related to the principal use of the lot and are therefore not allowed unless expressly permitted in the Town's Zoning By-Law. Shared driveways in residential districts as an accessory use are not currently listed within the Town's Zoning By-Law and therefore are not allowed in Belmont. The Director of Community Development requested this zoning amendment.

The proposed amendment seeks to allow shared driveways in residential districts only by Special Permit from the Planning Board. The By-Law contains certain objectives that have to be met, such as preservation of stone walls and significant trees and minimizing impacts on traffic and

pedestrians. The property owners would also be required to file an easement with the Registry of Deeds and to provide a mutually acceptable maintenance agreement.

The Board held a public hearing on March 4, 2014. The only question raised during the hearing regarded the status of existing shared driveways. The Board responded that existing shared driveways would be considered grandfathered and not subject to this new zoning provision.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to allow shared driveways by Special Permit in residential districts.**

Article 12 – Create a Medical Marijuana Overlay District (Session B – June 7, 2014)

In November 2012, Massachusetts voters approved a ballot question that allows a qualifying patient to obtain and possess marijuana for medical use. The law limits the number of dispensaries to 5 within each county. The Department of Public Health (DPH) was required to develop regulations for patient and caregiver registration, operation of dispensaries, and other aspects of the law. As a result, the 2013 Town Meeting adopted a moratorium to allow DPH time to draft these regulations. The DPH regulations became effective on May 8, 2013 and the Town's moratorium expires on June 30, 2014. Currently DPH has issued 4 licenses for Middlesex County; none within Belmont.

The proposed zoning amendment would create an overlay zoning district for the Local Business II, General Business, and Uplands Zoning Districts and allow dispensaries by Special Permit from the Planning Board provided they are at least 300' from certain protected uses, i.e., houses, schools, day care centers, playgrounds, parks, the library, and the swimming pool. The By-Law establishes specific criteria that have to be met: the dispensary provides reasonable access to patients, it is designed to be compatible with the surrounding neighborhood, it is safe and secure, and it generates minimal traffic. Conditions are also required to be attached to the Special Permit, such as limiting the hours of operation, requiring renewal of the Special Permit, designating a contact person, and reporting annually on the status of the business.

The Board held a public hearing on March 7, 2014. No questions, comments, or concerns were raised during the hearing regarding this amendment. The Belmont Police Department submitted written comments for the Board's consideration. These included requiring the dispensary distribution area to be visible from the exterior of the premises, requiring that all loading and unloading occur within the building, and requiring rubbish to be stored indoors as well. The Board agreed with these comments and incorporated them into the zoning amendment.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to create a Medical Marijuana Overlay District.**

Article 13 – Require ‘As-Built’ Plan Submission and Approval

(Session B – June 7, 2014)

With the amount of new construction occurring within the Waverley Square area, many residents questioned whether these structures comply with the current zoning requirements. Requiring submission and approval of an ‘As-Built’ plan prior to the issuance of a Certificate of Occupancy will insure that these new structures comply with the Zoning By-Laws.

The Board held a public hearing on March 4, 2014. No questions, comments, or concerns were raised during the hearing regarding this amendment.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting to require submission and approval of an ‘As-Built’ plan prior to the issuance of a Certificate of Occupancy.**

Article 14 – Address Citizens’ Petition for 2013 Special Town Meeting

(Session B – June 7, 2014)

Last year a Citizens Petitioned moratorium on the demolition of single family homes and replacing them with two-family homes within the General Residence Zoning Districts was adopted by Town Meeting. This petition was the result of the Citizens concerns about the construction of significantly larger homes without regard for the surrounding built environment. This moratorium expires on June 30, 2014. Last August, the Board began discussing the issues surrounding this new construction and discovered the following issues: loss of open space, buildings set further back from the street than abutting houses, increased lot coverage, types of units, scale, mass and placement of these developments on small lots (“box car”), units with no front doors, siting mechanical equipment in front yards and close to abutting homes, asphalt and parking in place of landscape elements, grading, and treatment of non-conforming properties – lots that are too small for intense development.

As a result, the Board drafted a zoning amendment with 6 parts: definitions, grandfathering, use, dimensional, existing lots, and Site Plan Review/Special Permit. These new regulations are meant to insure that any new structure blends with the built environment. The vast majority of them apply to the General Residence Zoning Districts, but several apply to the Town as a whole.

The amendment eliminates exceptions for nonconforming lots and exemptions for lots less than 7,000 square feet and 70’ frontage and replaces them with a Special Permit process. Single and two-family dwellings will require Design and Site Plan Review and two-family dwellings will require a Special Permit from the Planning Board. By instituting a lot area per dwelling unit requirement of 3,500 square feet, the By-Law will now explicitly state that a two-family home requires 7,000 square feet of lot area and 70’ of frontage. The By-Law reduces the lot size and frontage requirements to 5,000 square feet and 50’ in order to incentivize construction of single-family homes. In certain circumstances, the Planning Board can modify lot area per dwelling unit and lot frontage requirements for a two-family by Special Permit but no less than 5,000

square feet lot size and 50' frontage. The front setback of the new structure will be limited to the average setbacks on either side of the new building and the rear setback will be limited to 20% of the lot depth

In order to insure that new construction is compatible with the surrounding built environment, a Site Plan Review and Special Permit By-Law was drafted - single-family homes require Site Plan Review; two-family homes require Site Plan Review and Special Permit. This provision contains a sunset clause (June 30, 2018) in order to give the Board time to reflect on the impacts that these changes have on the Town. The Planning Board is the Special Permit Granting Authority. The By-Law contains performance standards that the Board will use when reviewing an application - scale and design of the building, its height, proportions, the siting of the building and driveway, circulation, lighting, open space and landscape area, relation of the structures and spaces, screening, drainage, and street trees.

Two provisions will apply to the entire Town - installation of HVAC and other mechanical equipment will be prohibited in front yards (the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot) and side and rear setbacks and will require appropriate screening.

The Board held a series of public hearings beginning on February 25, 2014 and continued to March 4 and 7. The Citizen sponsors participated in the hearings and supported the proposed amendments. Only one person objected to these amendments asking that his property be exempt from them since he has owned his property for a long time.

At the conclusion of the public hearing, the Board deliberated on the zoning amendment and voted unanimously **to recommend favorable action by Town Meeting on a package of amendments to address the Citizens Petitioned Demolition Moratorium.**

If you have any questions regarding these zoning amendments, please do not hesitate to contact Jeffrey Wheeler, AICP, Planning Coordinator, at 617-993-2666 or at jwheeler@belmont-ma.gov.

Thank you.

TOWN OF BELMONT

Community Preservation Committee

Paul Solomon (Chairman)
Anne Marie Mahoney (Vice Chairman)
Floyd Carman (Clerk)
Ex-officio:
Joseph DeStefano - Planning Board
Anthony Ferrante - Recreation Commission
Lisa Harrington - Historic District
Gloria Leipzig - Housing Authority
Andres T Rojas - Board of Parks Commissioners
Margaret Velie - Conservation Commission



19 Moore Street
P. O. Box 56
Belmont, MA 02478

April 14, 2014

Dear Town Meeting Member,

The enclosed information describes the 7 projects which Belmont's Community Preservation Committee (CPC) is recommending to Town Meeting for funding under the State's Community Preservation Act (CPA) in FY 2015.

Town Meeting has the final vote on funding these recommendations. According to CPA legislation, Town Meeting actions on recommendations are limited to the following:

- May approve, reduce or reject recommended amounts.
- May reserve all or part of amount recommended for specific project to applicable reserve.
- May not increase recommendations or initiate appropriations from fund monies.

This is the second year the CPC will make funding recommendations to Town Meeting, and we welcome questions and suggestions. Please contact fcarman@belmont-ma.gov or mtrainor@belmont-ma.gov or call our hotline at (617) 993-2774.

We look forward to discussing these recommendations with you at Town Meeting.

Paul Solomon, Chair
Community Preservation Committee

Annual Town Meeting 2014

Community Preservation Committee

Summary of Recommended Community Preservation Act Funding for FY 2015

The Community Preservation Committee (CPC) is recommending seven projects to the 2014 Annual Town Meeting for funding. Described in the following pages, each of these projects was evaluated by the CPC in light of the articulated criteria for eligibility and appropriateness under the Community Preservation Act (CPA). The projects have been presented at a public hearing held on October 10, 2013 and at a League of Women Voters meeting on April 28, 2014. Belmont will have approximately \$2.8 million in CPA funds available by the end of FY 2015. The cost of all projects proposed for FY 2015 is \$2,727,224.

Community Preservation Act

The CPA is a state statute which individual communities in the Commonwealth may choose to adopt; Belmont adopted the statute at the State election held November 2, 2010. CPA communities impose a surcharge on their own property taxes of up to 3%, and funds raised from the surcharge are restricted to use for projects in four categories: community housing, historic resources, open space and recreation. To support expenditures in these areas, the state provides partial match of the funds raised by the community surcharges.

Belmont elected a 1.5% surcharge on both residential and commercial taxpayers. Mindful of the burden on homeowners, however, the Town also adopted provisions which exempt the first \$100,000 of residential property values from the surcharge, and grant a total exemption from the surcharge to lower income residents. In 2014, the annual surcharge averaged \$138.04 per Belmont single family household.

The State match, originally 100%, has declined since 2006 as additional communities have adopted the statute and joined the funding pool, and as registry of deed fees which feed the State fund have suffered in a weak economy. The match is currently estimated at 23%. On average, Belmont generates approximately \$1.2 million of CPA funding annually.

Community Preservation Committee

The CPA requires each adopting community to appoint a Community Preservation Committee. By statute, the CPC consists of nine members, of whom three are appointed by the Board of Selectmen as at-large members and six are appointed by the

following boards and commissions: Parks Commissions (the Board of Selectmen in Belmont), Conservation Commission, Historic District Commission, Housing Authority, Planning Board, and the Recreation Commission. Currently Paul Solomon serves as Chair of the CPC and Anne Marie Mahoney serves as Vice-Chair.

The CPC is responsible for reviewing applications for funding under the CPA and recommending to Town Meeting expenditure of CPA funds on those projects it approves each year. All funding decisions by the CPC were made within the framework of the Community Preservation Plan, which was approved by the CPC on August 14, 2013. The Community Preservation Plan will be updated annually after the CPC receives comments at a public hearing.

For further information about the CPC, visit the CPC's page at the Town's website: http://www.belmont-ma.gov/Public_Documents/BelmontMA_BComm/cpa .

Article 15(a)

Project:	JV Field Irrigation
CPA Project Category:	Recreation
CPA Funding Category:	Open Space/Recreation
Amount Requested:	\$8,700
Amount Recommended:	\$8,700
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Jim Fitzgerald, Belmont Soccer Association

Project Description

This project proposes upgrading the irrigation system for the Town owned JV field located on Concord Ave opposite Cottage St.

Project Goals and Objectives

The goal is to upgrade the irrigation system so that sod can be used in place of grass for the JV Field. As the number of children who use the field has quadrupled since it was originally designed, it is no longer possible to plant grass and attain a solid root system prior to the beginning of the new season. By upgrading the irrigation system, Belmont Soccer Associate can use sod to improve the quality of the JV field.

Project Benefit

The project will benefit the thousands of children who use the field through Belmont High School Track, Lacrosse, and Soccer programs by providing a better, safer playing field for the players.

Funding Request

The funding request for this project is \$8,700, based upon estimates submitted to the CPC in November 2013.

Article 15(b)

Project:	Electrical Upgrade
CPA Project Category:	Community Housing
CPA Funding Category:	Community Housing
Amount Requested:	\$165,000
Amount Recommended:	\$165,000
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Donna Hamilton, Belmont Housing Authority

Project Description

This project proposes adding additional circuits and upgrading the electrical panels at Belmont Village in order to decrease circuit overloads within the apartments. The interior electrical wiring has not been upgraded since it was installed in 1949.

Project Goals and Objectives

The goal is to reduce the risk of potential fire hazards that may be caused by older wiring and insufficient receptacles. The existing wiring is not rated for 90°C as required by modern light fixtures and does not include a separate ground wire. The insulation on wiring from the 1940's and 1950's becomes very brittle over time, leading to arc faults and fires.

Project Benefit

The project addresses some of the housing needs as defined in the 2010-2020 Belmont Comprehensive Plan, which specifically states that "many low and moderate income Belmont residents face serious housing cost burdens or other problems ." The proposed electric service upgrades will lengthen the useful life of the existing low-income housing and will enable the Belmont Housing Authority to continue to maintain and preserve the development for many more years.

Funding Request

The funding request for this project is \$165,000 based on estimates submitted to the CPC in November 2013.

Article 15(c)

Project:	Daniel Butler School Playground Project (Phase II)
CPA Project Category:	Recreation
CPA Funding Category:	Open Space/Recreation
Amount Requested:	\$66,524
Amount Recommended:	\$66,524
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Kevin Sullivan, Daniel Butler School Playground Committee

Project Description

The project proposes complete the second phase of construction for the new Daniel Butler School Playground, which was shut down in the Fall of 2011.

Project Goals and Objectives

The goals for the project are as follows:

1. Increased lighting and signage
2. Increasing the number of trash receptacles
3. Stump edging around the perimeter
4. Re-painting of the basketball courts and hard top
5. An outdoor classroom
6. Work on the back field (including landscaping, hydro seeding, and improvements to the Nurse's Garden, and repairs to the backstop)

Project Benefit

The project will address the Town's needs as stated in the 2010-2020 Belmont Comprehensive Plan; specifically "to preserve and enhance existing active and passive recreation areas and ensure adequate maintenance" of existing facilities. It also addresses the need for better maintenance in both "passive and active, public and private recreation areas" (p. 36).

Funding Request

The funding request for this project is \$66,524 and is based upon estimates submitted to the CPC in November 2013.

Article 15(d)

Project:	Winn Brook Field Renovation
CPA Project Category:	Recreation
CPA Funding Category:	Open Space/Recreation
Amount Requested:	\$100,000
Amount Recommended:	\$100,000
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Peter Thomson, Belmont Second Soccer

Project Description

This project proposes renovating the Town owned recreation fields at Winn Brook elementary school for the long term use by the residents of Belmont. The project will be implemented in two phases to ensure that there are some fields available for the community during the renovation project.

Project Goals and Objectives

The goal is to update the fields by implementing a drainage system to prevent damage due to rain storms and ensure fields are playable after heavy or prolonged rain, implementing an irrigation system to keep the fields appropriately watered during prolonged dry weather, and create additional playing space for use by the community by reconfiguring some under-utilized space at the existing field.

Project Benefit

As a small town with limited recreational space and limited room to add net new space, this project aligns with the Town need to keep existing space well maintained for long term use and will also create a new soccer field within the existing recreation area. The additional playing field addresses the increased user base and the improved quality of the fields will also help to ensure child safety.

Funding Request

The funding request for this project is \$100,000. Although the total estimated cost of the project is \$302,000, the remaining \$202,000 will be acquired through a combination of grants, loans, and donations.

Article 15(e)

Project:	First Time Homebuyer Assistance
CPA Project Category:	Community Housing
CPA Funding Category:	Community Housing
Amount Requested:	\$375,000
Amount Recommended:	\$375,000
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Alisa Gardner-Todreas

Project Description

The project proposes establishing a First-Time Homebuyer Assistance Program, in order to make a small number of homes affordable to families or individuals just entering the housing market. This amount of funding is needed to start a program and justify the frontend effort and costs. The program is being modeled on ones implemented in other communities, adjusted for Belmont's particular market.

Project Goals and Objectives

The program will provide assistance to reduce the purchase prices, down-payments, and closing costs for three first-time homebuyers who are seeking to purchase a home (condo, townhouse, or single-family) in Belmont and whose annual income is at or below 80% of the area median income (AMI) as measured by the U.S Department of Housing and Urban Development (HUD). Buyers will be required to live in the property as their primary residence and must agree to a Deed Restriction on the property. All of them will be required to go through First -Time Homebuyer Counseling, obtain a conventional mortgage, and make a down payment. The program's overarching goal is to make existing homes count toward the mandated 10% affordable housing in every community in the Commonwealth. Belmont is currently at just 3.8%.

Project Benefit

Assisting first-time homebuyers preserves the essential character of the Town (our Town of Homes) as described in the Town's Comprehensive Plan : "Young adults and young families looking to buy a first home, or to rent an affordable one, do not have many options in Belmont." There will be a resident preference for those who live, work, or have children already in the Belmont schools. Assisting first-time homebuyers will benefit a currently under-served population, as it is difficult to afford a home in Belmont for those not already in the market and especially for new buyers with moderate incomes. And the program will provide a long-term contribution to the Town, through increasing Belmont's supply of affordable units and strengthening the core of moderate-income workers in town.

Funding Request

The funding request for this project is \$375,000 and is based upon estimates submitted to the CPC in November 2013. CPA funds will be used in conjunction with contributions from the Affordable Housing Trust Fund and HOME funds.

Article 15(f)

Project:	Belmont Community Moving Image Archive
CPA Project Category:	Historic Resources
CPA Funding Category:	Historic Resources
Amount Requested:	\$12,000
Amount Recommended:	\$12,000
CPC Vote	8-0 (1 member absent from vote)
Sponsors:	Jeffrey Hansell

Project Description

The Project proposes maintain a community archive that will preserve the unique history, culture, visions, and voices of Belmont through film and video.

Project Goals and Objectives

The goals of the project are:

- a. To preserve the video library of public meetings, community events, and other locally produced programming housed at Belmont Media Center; and by their preservation are made publicly accessible for research and viewing via an online "digital moving image archive".
- b. To preserve historically or culturally significant video media and films donated or made available to BMC by residents and organizations and made publicly accessible via the online archives.
- c. To further develop the structure, policies and operations, and funding to best maintain the archives as community resource.

Project Benefit

The project will preserve historic resources for the Town and will enable anyone to access the video history of Belmont. The archives will benefit historians, elected officials, civic activists, and students looking to research the history of the town in which they live.

Funding Request

The funding request for this project is \$12,000 and is based upon estimates submitted to the CPC in November 2013. Most of the budget for this project has been and will continue to be subsidized by BMC on an ongoing basis; but is also being supported by Work Opportunities intern program and interns from Simmons College. The CPA funds will be used to support the execution of the work plan from the MSRAB assessment and for purchase of dedicated video conversion equipment.

Article 16

Project:	Underwood Pool
CPA Project Category:	Recreation
CPA Funding Category:	Open Space/Recreation
Amount Requested:	\$2,000,000
Amount Recommended:	\$2,000,000
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	David Kale, Town Administrator Peter Castanino, Director of the Department of Public Works

Project Description

This project proposes funding the construction of the final design for the new Underwood Park complex.

Project Goals and Objectives

The goal of the project is to replace the Underwood Pool, a Town asset that has been available for all Belmont residents to use for the past 100 years.*

Project Benefit

The project will help preserve and utilize current Town owned assets that would otherwise be threatened, and provides a long-term contribution to the Town. It would also allow the distinctive sense of community that the pool has nurtured since 1912 to continue in Belmont.

Funding Request

The funding request for this project is \$2,000,000 and is based upon estimates derived from the Underwood Park Plan and Design study. CPA funds will be used in conjunction with the \$2.9 million debt exclusion which passed with 61.74% of the votes at the Annual Town Election on April 1, 2014.

* More information regarding the Underwood Pool project can be found online at http://www.belmont-ma.gov/Public_Documents/Projects/underwood .

FIRST-TIME HOMEBUYER ASSISTANCE PROGRAM

FACT SHEET

The following is additional information regarding the First-Time Homebuyer Assistance Program. Please review in conjunction with the Community Preservation Committee's FY15 CPA Project Summary, which is referenced on the second page of this document.

Under the proposed program and requested funding, **three units of housing will be added to the affordable housing stock in perpetuity.** Belmont has 6 units of affordable homeownership housing that have been successfully marketed and sold, 3 at B Street and 3 at Oakley Village. The Homebuyer Assistance Program has the same program elements.

The Community Preservation funds will be invested in the units. The homebuyers will not receive the \$125,000 subsidy. **The resale price of the property is restricted**, so the owner gets only a modest gain. Upon resale, the unit must be affordable to other eligible households, as determined by DHCD formula.

The homebuyers will have an equity interest in the property, paying a mortgage, property taxes, and any tax increases passed by the Town. Eligible homebuyers must make a down-payment and must be qualified on their own by a bank for the mortgage. The Town is not responsible for any ongoing homeowner costs.

In this model of adding affordable housing, **the units will not be clustered in any one building or neighborhood** since the eligible buyers will be selecting from any existing units on the market that they can afford.

These units must be the homeowner's primary residence. They cannot be rented out or passed to other family members. Adherence to these requirements is monitored by the program administrator; the Belmont Housing Authority has this role for the Oakley Village affordable units.

Eligible homebuyers will be selected by lottery with a **local preference**.

Although Belmont certainly has some rental properties and condos that allow for a diversity of incomes, there are no restrictions on rent increases and no guarantee that these properties will remain affordable. That is why they do not "count" toward the 10% goal the state sets. But if purchased with a deed restriction under this program, they *will* count.

Similar homebuyer programs exist throughout the state, with the same guidelines on income. What differs from town to town is the amount of subsidy required. Since the cost of housing in Belmont is high, the per-unit subsidy required is also high.

The Town will gain three units of affordable housing for \$375,000 in CPA funds. Construction of one 2-BR unit of housing is now estimated to cost \$350,000-\$450,000. So this is a cost-effective way to add units toward the affordable tally—using existing units.

Like all other CPA projects, **funds will remain with the Town until requested for specific program expenditures.**

Article 15(e)

Project:	First Time Homebuyer Assistance
CPA Project Category:	Community Housing
CPA Funding Category:	Community Housing
Amount Requested:	\$375,000
Amount Recommended:	\$375,000
CPC Vote	5-0 (4 members absent from vote)
Sponsors:	Alisa Gardner-Todreas

Project Description

The project proposes establishing a First-Time Homebuyer Assistance Program, in order to make a small number of homes affordable to families or individuals just entering the housing market. This amount of funding is needed to start a program and justify the frontend effort and costs. The program is being modeled on ones implemented in other communities, adjusted for Belmont's particular market.

Project Goals and Objectives

The program will provide assistance to reduce the purchase prices, down-payments, and closing costs for three first-time homebuyers who are seeking to purchase a home (condo, townhouse, or single-family) in Belmont and whose annual income is at or below 80% of the area median income (AMI) as measured by the U.S Department of Housing and Urban Development (HUD). Buyers will be required to live in the property as their primary residence and must agree to a Deed Restriction on the property. All of them will be required to go through First -Time Homebuyer Counseling, obtain a conventional mortgage, and make a down payment. The program's overarching goal is to make existing homes count toward the mandated 10% affordable housing in every community in the Commonwealth. Belmont is currently at just 3.8%.

Project Benefit

Assisting first-time homebuyers preserves the essential character of the Town (our Town of Homes) as described in the Town's Comprehensive Plan : "Young adults and young families looking to buy a first home, or to rent an affordable one, do not have many options in Belmont." There will be a resident preference for those who live, work, or have children already in the Belmont schools. Assisting first-time homebuyers will benefit a currently under-served population, as it is difficult to afford a home in Belmont for those not already in the market and especially for new buyers with moderate incomes. And the program will provide a long-term contribution to the Town, through increasing Belmont's supply of affordable units and strengthening the core of moderate-income workers in town.

Funding Request

The funding request for this project is \$375,000 and is based upon estimates submitted to the CPC in November 2013. CPA funds will be used in conjunction with contributions from the Affordable Housing Trust Fund and HOME funds.



Office of the Board of Selectmen
Town of Belmont
Massachusetts
selectmen@belmont-ma.gov

455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478
TEL (617) 993-2610
FAX (617) 993-2611
www.belmont-ma.gov

SELECTMEN
ANDRÉS T. ROJAS, Chair
SAMI S. BAGHDADY, Vice-Chair
MARK A. PAOLILLO

TOWN ADMINISTRATOR
DAVID J. KALE

ASSISTANT TOWN ADMINISTRATOR
PHYLLIS L. MARSHALL

April 11, 2014

Town Meeting Members:

Attached please find supporting information related to Warrant Article 3: Amendment to Minuteman Regional Vocational High School Regional Agreement in preparation for the 2014 Annual Town Meeting. The attachments are as follows:

1. Summary of the Proposed Changes to the Minuteman Regional Agreement by Jack Wels, Belmont Representative, Minuteman School Committee
2. Proposed Amendments to the Minuteman Regional Vocational School District Agreement prepared by the Minuteman Regional School Committee
3. Regional Agreement Draft dated March 11, 2014 as proposed in the Warrant

Sincerely,

David J. Kale
Town Administrator

Attachments

Summary of the Proposed Changes to the Minuteman Regional Agreement

Prepared by Jack Weis, Belmont Representative, Minuteman School Committee

Goals of Amending the Agreement

- Respond to concerns by some member towns regarding existing Agreement. Considered a key prerequisite by some towns for approving any new building project.
- Potentially make joining the District more appealing to non-member communities.

Overview of the Proposed Changes

Provision	Existing Agreement	New Agreement
Capital Cost Apportionment	Percentage of prior-year enrollment	Three-part formula: <ul style="list-style-type: none"> • 1% assessment to all towns (16% total) • 50% based on average four-year enrollment • Remainder (34%) based on wealth-weighted enrollment. Wealth measured by “combined effort” (property value and household income). Enrollment based on percentage of town’s students enrolled at Minuteman.
Operating Cost Apportionment	Percentage of prior-year enrollment	Percentage of average four-year enrollment
School Committee Voting	One vote per town; all votes equal	Weighted voting with half the weight based on an equal vote for all towns and half based on average four-year enrollment
Debt Issuance	Not addressed, so subject to two options currently permitted by State law: <ul style="list-style-type: none"> • Unanimous member town approval (Section 16 (d)) • Majority vote of member-town citizens (Section 16 (n)) 	Same two options, with the following conditions: <ul style="list-style-type: none"> • Minuteman will commit to use Section 16 (d) initially • If Minuteman opts to use Section 16 (n), communities who rejected debt under Section 16 (d) given option to withdraw from District • If withdrawal from District denied, community not obligated to pay for that approved debt
Withdrawal from the District	<ul style="list-style-type: none"> • Withdrawing Town: Majority vote by Town Meeting • Other Member Towns: Approval by all towns (with deemed consent) 	<ul style="list-style-type: none"> • Withdrawing Town: Two-thirds vote by Town Meeting • Other Member Towns: Approval by a majority of towns (with deemed consent)
Capital Cost Obligations for New Members to the District	<ul style="list-style-type: none"> • Immediately responsible for 100% of capital costs 	<ul style="list-style-type: none"> • Potential four-year phase-in of capital cost allocation, based on School Committee vote

Summary of the Proposed Changes to the Minuteman Regional Agreement

Assessment of the Proposed Changes

On balance, the proposed amended Regional Agreement is a net improvement over the current Agreement for the following reasons:

- Using four-year average enrollment for operating and capital cost allocations smoothes out the year-to-year fluctuations in assessments which result from small changes in the number of Belmont students enrolled in Minuteman.
- A capital allocation formula that is not driven purely by point-in-time enrollment is fairer, as are the new flat-fee “cost of membership” and “ability-to-pay” enrollment components. Moreover, a revision to the existing enrollment-only formula is a critical prerequisite for some member towns to secure their support for a new building project. The new formula results in a slight increase in Belmont’s assessment versus the current methodology. However, revising the capital cost allocation formula is a zero-sum exercise, making it is mathematically impossible to revise the existing formula in a way that makes all communities economically better off.
- Weighted voting for the School Committee is a critical component for Arlington, which represents about one-third of the member-town enrollment. However, having enrollment represent only half of the weighting (with the other half of the vote weighted equally among all towns) is an important component for the smaller-sending communities who are concerned that a system with the vote fully weighted by enrollment would eviscerate their voice in School Committee matters. As the third-largest existing member community, the new weighted School Committee voting formula currently benefits Belmont, although inconsequentially.
- The new debt issuance provisions are essentially no different than what is already permitted under the Regional Agreement and State law. The potential ability not to have to pay debt service if a town’s residents reject a debt-issuance vote is theoretically an improvement over the current Agreement. However, this provision is probably not likely to be invoked in practice because it can only be triggered by having a town first vote to withdraw from the Minuteman District and then having that requested withdrawal be rejected by the other member towns or the DESE Commissioner.
- Lowering the threshold for member towns to withdraw from the District is beneficial. That may make it advantageous for some frustrated smaller-sending communities to exit. It also may make joining the District slightly more appealing to non-member communities. A threshold of less than 100% approval by the existing member towns improves the chances that logic, common sense, and common good will prevail.
- The ability to phase-in the obligation for new member towns to pay capital costs may be a helpful tool to attract new members. However, that tool could be less valuable if, in the future, Minuteman adopts and rigorously enforces a requirement that non-member towns execute Intergovernmental Cooperation Agreements to cover their share of the capital costs associated with any school building project.

Note: Some earlier draft versions of the amended Agreement contemplated allowing amendments to certain sections of the Agreement upon approval by two-thirds of the member towns. However, the final version of the amended Agreement requires all amendments to the Regional Agreement to be approved by all member towns.

Next Steps

- The revised Agreement has been placed on the Town Meeting warrant in all sixteen existing member towns.



Point - By - Point Comparison

Subject	Current Agreement	Proposed Agreement
Annual Assessment	Based on most recent year's enrollment share.	Based on 4-year rolling average enrollment share.
Capital Costs	Based on most recent year's enrollment share.	Each member community pays base 1% of yearly total. 50% is based on 4-year rolling average enrollment share and remainder considers certain factors used in calculating Chapter 70 state aid to education along with enrollment.
School Committee Votes	Each member town has one vote for all questions.	Weighted votes based on 4-year rolling average enrollment share. Incurring debt is specifically excepted and would require approval by 2/3 of all school committee members regardless of enrollment share or actual attendance at meeting.
Admission of New Members	New member would carry full share of capital costs from day one. Current language does not account for admission of a city.	School Committee could negotiate gradual 4-year "buy-in", subject to approval by all of the existing member communities. Language contemplates membership by city.
Withdrawal of Members	Requires approval by all other member communities and the exiting member remains liable for a share of all debt approved while a member, even if its own residents voted against authorizing that debt.	Could occur unless disapproved by a majority of other members. Qualified students could still be accepted on a space-available, tuition basis. IF withdrawal is properly pursued following a District-wide election that authorizes new debt, the subject community would not be liable for a share of the debt that its own voters disapproved in that election.
Contribution to Capital Costs	Current agreement is silent on this point.	Must be applied to reduce capital assessments to members.
Authorization for New Debt	As this is not specified in the current agreement, either of two routes may be followed at the School Committee's option under applicable state law. The method involving town meeting votes, whereby a single community has the power to block borrowing, has historically been used by the District.	Specifies that the current method must be pursued first, however, if rejected by one or more communities, the School Committee would then be permitted (but would not be required) to initiate a second attempt with a District-wide election. In this case, the aggregate vote would determine the outcome.
Amendments	May be initiated by majority vote of the School Committee (or by petition as allowed by law) and requires approval by all member communities.	May be initiated by a 3/4 vote of the School Committee (or by petition as allowed by law). The current requirement for approval by all member communities is unchanged.

Commissioner's approval applies when required by law.



Proposed Amendments to the Minuteman Regional Vocational School District Agreement

Twelve member towns formed the Minuteman Technical and Vocational Regional School District by Agreement adopted in 1970. Four additional towns joined the District shortly thereafter and the Agreement was last amended in 1980. The revisions now proposed for adoption under this article would make the following changes:

1. Uses a 4-year rolling average where student enrollment is a factor in determining assessment of annual operating and capital costs to member communities in place of the current single-year figure.
2. Introduces weighted voting for most School Committee actions, also based on the 4-year rolling average enrollment. Incurring of new debt would require at least a two-thirds (2/3) majority vote of all of the members of the Regional School Committee and future amendments to the Agreement would require three-fourths (3/4) majority of all members of the Regional School Committee, each without regard for the weight of the votes, before the matter could be referred for consideration by the member communities.
3. Authorizes the School Committee to negotiate terms for capital assessments to a new member community such that the new member would pay its full share no later than year four. Admission would be subject to acceptance by ALL of the existing member communities and the Massachusetts Commissioner of Elementary and Secondary Education. Language in the amended agreement has also been revised to contemplate the potential admission of a city to the District.
4. Establishes a revised procedure and conditions for withdrawal by a member community from the District. Where withdrawal under the current Agreement requires affirmative town meeting action by all other member communities, withdrawal under the revised Agreement could take place unless rejected by a majority of member communities. In either case, the withdrawal and associated terms must be approved by the Commissioner before it may occur. (See also item 7, below)
5. Revises the formula by which annual capital costs are assessed such that each member community would pay a base contribution of 1% of the annual total. 50 % would be assessed based on the 4-year average enrollment share. The balance would be assessed by taking into account certain of the factors used by the Department of Elementary and Secondary Education in calculating State aid to education. The formula for assessment of any previously issued debt, which is calculated more strictly on single-year enrollment share, would be unaffected.
6. Provides that any income identified as a contribution to capital costs (ie such as charges to any new members or potential "facility fees" that might be paid on behalf of tuition students from non-member communities) would be applied to the capital budget and reduce assessments to member communities.
7. Requires the School Committee to first seek authorization for incurring debt following the current method that involves town meeting votes. In this case, a negative vote by any one member community results in disapproval for all. IF this happens, the amended Agreement would then permit (but would not require) the School Committee to initiate a second attempt via District-wide election, as allowed under MGL 71 section 16(n), in which results of the aggregate vote would determine the outcome. If a majority of voters in a particular member community voted to disapprove the issuance of debt in such an election, that community would have the option of moving for withdrawal from the District without obligation for a share of the new debt thus incurred. (See also item 4, above.)
8. Raises the threshold for initiating future amendments to the Agreement to require a vote of three-fourths (3/4) of all members of the Regional School Committee members, without regard for the weight of the vote. The current requirement for subsequent approval by the legislative body of every member community is unchanged.

Adoption of the amended Regional Agreement will proceed under the terms of the current Agreement and thus requires an affirmative town meeting vote in each of its 16 member communities, as well as final approval by the Commissioner.

Prepared by Carrie Flood, School Committee Secretary and Chair of the Regional Agreement Amendment Subcommittee, 2/11/14.



Voting Under the Amended Regional Agreement

Subject	School Committee Vote	Member Community Vote
Routine Business	More than 50% of weighted vote (present and voting)	None Required
Annual Budget	66.67% of total weighted vote, not merely among those present and voting	Majority vote by the appropriating authority (town meeting or city council) of at least 2/3 (two thirds) of the member communities
Incurring Debt	2/3 (two thirds) of all School Committee members without regard for weighted vote or number of members present and voting If one or more member towns votes to reject debt authorization on first attempt, the School Committee MAY by more than 50% of the weighted vote (present and voting) decide to make a second attempt via district-wide election as permitted by state law.	First attempt by majority vote by the appropriating authority of ALL of member communities. A community that does not vote within 60 days is deemed to approve, but debt is blocked if one community votes "no". Second attempt by aggregate majority vote in District-wide election (Note that if authorization for debt is approved by this method, AND a majority of voters in a particular community voted "no" in such election, that community MAY seek to withdraw from the District without liability for the debt thus incurred.** Refer to separate section for process.)
Future Amendments to the Regional Agreement	3/4 (three fourths) of all School Committee members without regard for weighted vote or number of members present and voting	The current requirement for approval by the legislative body of each member community is unchanged, meaning that a majority vote is required in 100% of member communities.)
Admission of New Community	3/4 (three fourths) of all School Committee members without regard for weighted vote or number of members present and voting	Constitutes an amendment to the Regional Agreement and thus requires approval by all member communities
Withdrawal of a Community	N/A; must refer to member communities.	2/3 (two thirds) vote by the legislative body of the community seeking to withdraw from the District** AND Approval by a majority of other member communities. Note that in this case, failure of the legislative body of a member community to vote <i>disapproval</i> within 60 days of the notice of the requested withdrawal (e.g. a town does not bring the question to town meeting) will constitute approval by that community.

*These matters also require approval by the Commissioner of Elementary and Secondary Education.

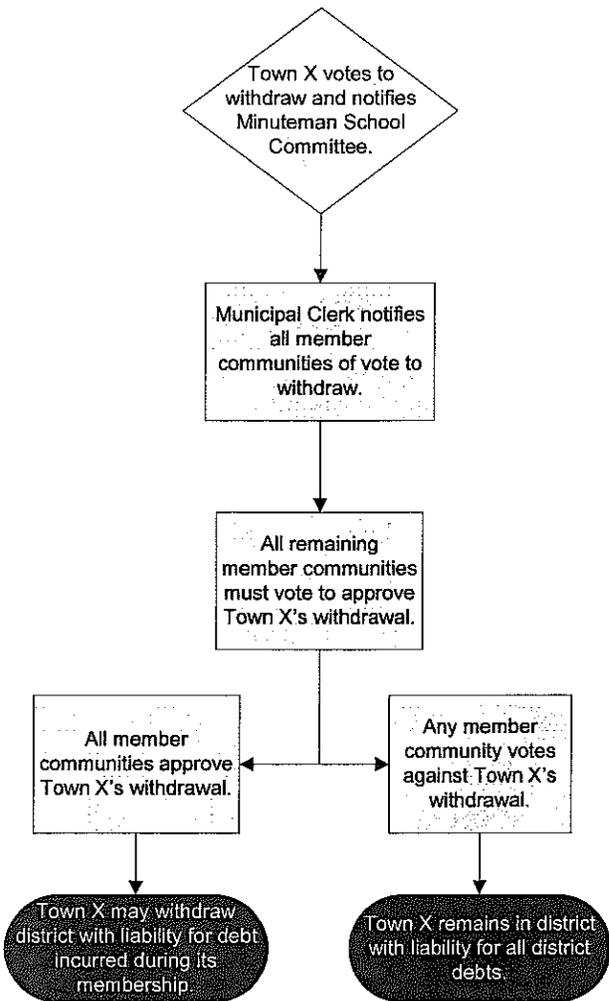
**Strict time limits apply when such vote is taken with the intent of withdrawing without liability for debt authorized by District-wide election. Withdrawing community remains liable for share of any other debt authorized while they were a member.

Prepared by Carrie Flood, 2-11-14

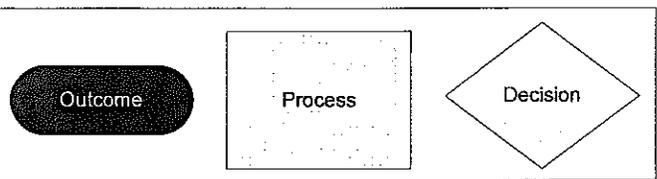
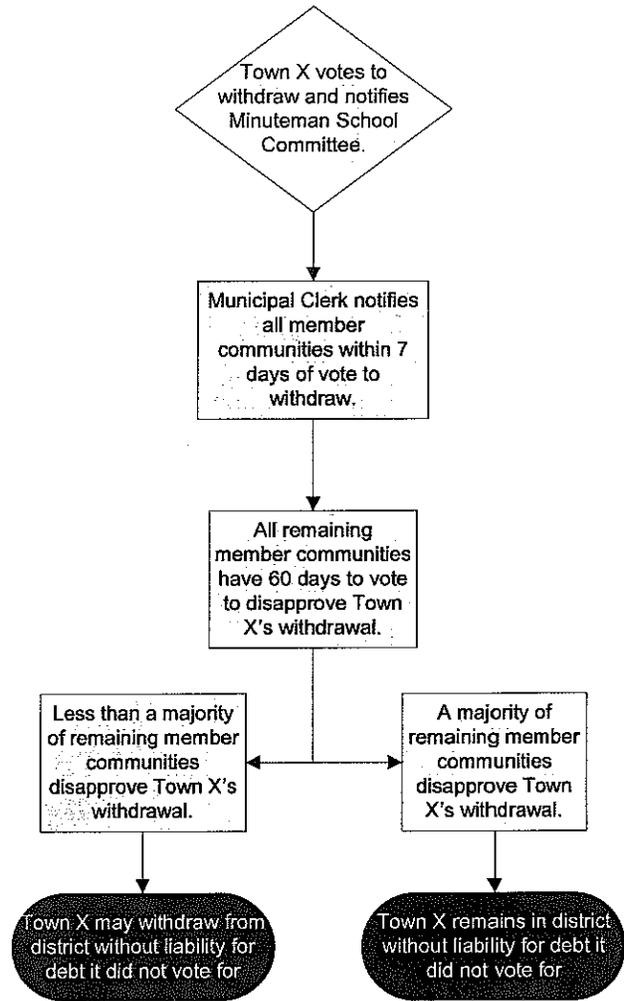


Withdrawal Under Current and New Regional Agreements

Under the Current Agreement



Under the New Agreement



Under both the current and new agreements the Commissioner of Education's approval is required for a community to withdraw from the District.

REGIONAL AGREEMENT

This Agreement is entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, among the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Stow, Sudbury, Wayland, Weston, Bolton, Dover, Lancaster, and Needham, hereinafter sometimes referred to as member towns. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I: THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

The Regional School Committee, hereinafter sometimes referred to as "the Committee," shall consist of one member from each member city or town (the term "city" and the term "town" will hereinafter be referred to jointly as "community"). The members of the Committee shall be appointed as hereinafter provided. All members will serve until their respective successors are appointed and qualified.

(B) Staggering of Terms

The terms of office shall begin on July 1 and shall be for three years. In order to have approximately one third of the terms of office expire at the end of each year, the initial term of office of a Committee member representing a newly admitted community may be for shorter than three years, said determination to be made by vote of the Committee (or by lot, if there is more than one community being newly admitted at the same time).

(C) Appointing Authority

Members who have been appointed to the School Committee by their respective Town Moderators prior to the July 1 date on which this amended language becomes effective shall serve out the remaining one, two or three years of their term. Beginning on the July 1 when this amended language becomes effective, each member shall thereafter be appointed by vote of the Board of Selectmen of that town (or by the Mayor in the case of a city), except that in the case of a town, the town may by bylaw or charter provide for appointment of that community's member by the Moderator. The language of the preceding sentence will also apply to any community newly admitted to the District whose membership in the District commences on or after the July 1 effective date of this amended language.

(D) Subsequent Terms of Office

Just prior to the conclusion of the initial terms spoken of in the subsection (B) above, the Appointing Authority of the member community will appoint a member of the Regional School Committee to serve a three year term beginning on July 1.

(E) Vacancies

Should a vacancy occur on the Regional School Committee for any reason, the unexpired term will be filled within sixty (60) days by the Appointing Authority of the community having the vacancy.

(F) Organization

At the first meeting of the Regional School Committee held after July 1, the Committee shall organize and choose a Chairman and a Vice-Chairman from among its membership and will

choose a Secretary, who may or may not be from among its membership.

(G) Power and Duties

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this Agreement, and such other additional powers and duties as are specified in Section 16 to 16I, inclusive, of Chapter 71 of the General Laws and any amendments or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.

(H) Weighted Voting

Each member of the Regional School Committee will exercise a weighted vote, rounded to the nearest hundredth of a percent, which will be calculated and established as of July 1 of each year as follows. The first half of the weighted vote for all of the member communities will be the same. (For example, if hypothetically there were 16 member communities, then the first half of each member's weighted vote will be 1/16 of 50%, which would be 3.125%). The second half of each member community's weighted vote will be computed as follows. Based on the official October 1 student enrollment figures as determined by the Department of Elementary and Secondary Education ("DESE"), or its successor agency, a four year "rolling average" of the school's enrollment from member communities, using the most recent year's October 1 enrollment figures and those from the three preceding years, will be established. Using the same methodology, each member community's average percentage of student enrollment from all of the member communities for that period, rounded to the nearest hundredth of a percent, will be established and will be used as the second half of that member community's weighted vote to become effective on the following July 1. (For example, if over the four year period a member community supplied an average of 8.67% of the school's enrollment from all of the member communities, then, beginning on the following July 1 and extending for the next year, the second half of that member community's weighted vote would be 8.67% of 50%, which would be 4.335%). The two halves will then be added together, and rounded to the nearest hundredth of a percent, to establish that community's total weighted vote. (For example, using the hypotheticals expressed above in this paragraph, the hypothetical community's total weighted vote as of the July 1 in question would be 3.125% plus 4.335%, which would add to 7.46%). Assuming that a quorum as defined in subsection (I) below is present, and except for a vote to approve the annual budget, to incur debt, or to approve an amendment to this Agreement, a combined total of weighted votes amounting to over 50% of the weighted votes present shall constitute majority approval.

In order to approve the District's annual budget, a combined total of weighted votes equal to or exceeding 66.67% of the weighted vote of the entire Committee (i.e., not merely two thirds of the weighted vote of those present) shall be required.

In order to incur debt, a two-thirds (2/3) vote of all of the members of the Regional School Committee, without regard for the weight of the vote, shall be required. In order to approve an amendment to this Agreement, a three-fourths (3/4) vote of all of the members of the Regional School Committee, without regard for the weight of the votes, shall be required.

(I) Quorum

A majority of the total number of members of the Regional School Committee (regardless of the weighted votes) shall constitute a quorum. A quorum is necessary for the transaction of business, but an assemblage less than a quorum may adjourn a meeting.

SECTION II TYPE OF REGIONAL SCHOOL DISTRICT

The regional district school shall be a technical and vocational high school consisting of grades nine through twelve, inclusive. The Committee is also hereby authorized to establish and maintain such kinds of education, acting as trustees therefore, as may be provided by communities under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary school level in accordance with the provisions of Section 37A of said Chapter 74.

SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the geographical limits of the District.

SECTION IV APPORTIONMENT AND PAYMENT OF COSTS

(A) Classification of Costs

For the purpose of apportioning assessments levied by the District against the member communities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, or which could be categorized as a capital expense in conformance with applicable law and regulation, including without limitation the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes and other obligations issued by the District to finance capital costs.

(C) Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Apportionment of Capital Costs

1. The following method will be used for apportioning capital costs incurred prior to July 1, 2014:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs shall be annually apportioned to the towns which were members of the District as of June 30, 2014 for the ensuing fiscal year in the following manner. Each

member town's share of capital costs for each fiscal year shall be determined by computing the ratio which the town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all the member towns on the said date, except that if there is an enrollment of fewer than five pupils from any member town in the regional district school on said date, such member town shall be deemed to have an enrollment of five pupils in the regional district school. For the purpose of this subsection, in computing this apportionment the persons enrolled in courses or programs referred to in subsection IV (F) shall not be included.

2. The following method will be used for apportioning capital costs incurred on or after July 1 2014:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs which are incurred on or after July 1, 2014 shall be apportioned to the member communities annually for the ensuing fiscal year in the following manner (for illustration purposes only, examples of these calculations appear in Appendix A.)

a. Fifty percent (50%) of the capital costs will be apportioned to each of the member communities by computing the ratio which that community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, except that if there were an enrollment of fewer than five (5) pupils from any member community in the regional district school on any of the four (4) most recent October 1 dates, such member community will be deemed to have had an enrollment of five (5) pupils in the regional district school on said date.

b. An additional one percent (1%) of these costs will be apportioned to each of the member communities regardless of student enrollment.

c. The balance of these costs will be apportioned by applying DESE's combined effort yield (a measure of a community's ability to pay for education using property values and household incomes) to the percentage of each community's students (as defined by foundation enrollment) that are enrolled at Minuteman. The specific calculation is as follows:

- Each member community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, including the five (5) pupil minimum spoken of in 2,a above, will be identified.
- This average regional enrollment figure for each member community will be compared to that community's most recent October 1 "foundation enrollment" figure (determined by DESE), and the percentage of that community's most recent foundation enrollment figure which is comprised of that town's average regional enrollment figure will be computed.
- This percentage amount will be multiplied by the lesser of the "combined effort yield" or 100% of the "foundation budget" (using the most recent "final" numbers determined by DESE) for that community, resulting in a number to be called "combined effort yield at Minuteman".
- The numbers representing each community's "combined effort yield at Minuteman" will be totaled, and each community's percentage of that total (this percentage to be called "combined effort capital assessment share") will be computed.
- Each community's "combined effort capital assessment share" will be used to calculate the

apportionment of the capital costs under this paragraph. (An example of the calculations described in this paragraph is found in the chart headed "Calculation Factor - Ch. 70 Combined Effort Capital Allocation" appearing on page 2 of Appendix A.)

In the event that changes occur at the state level in either the terminology or the calculation formulas that lie behind the terms used in this paragraph, the Committee will use a calculation approach which replicates the apportionment outcomes that would result from this paragraph if the terms of this paragraph were applied as of the effective date of this Regional Agreement.

(E) Apportionment of Operating Costs

The District will utilize the statutory method in the apportionment of operating costs. Pursuant to this method, the District will deduct from operating costs the total of any revenue from Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and any other revenue as determined by the Regional School Committee. The balance of all operating costs, except those described in subsection IV,F below, shall be apportioned to each member community as follows. Each member community's share of operating costs will be the sum of the following: (a) the member's required local contribution to the District as determined by the Commissioner of Elementary and Secondary Education (hereinafter "the Commissioner"); (b) the member's share of that portion of the District's net school spending, as defined by G.L. chapter 70, section 2, that exceeds the total of the required local contributions for all of the members; and (c) the member's share of costs for transportation and all other expenditures (exclusive of capital costs as defined in subsection IV,(B) above) that are not included in the District's net school spending. A member's share of (b) and (c) above will be calculated by computing the ratio which that member's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to the total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures.

(F) Special Operating Costs

The Committee shall determine the operating costs for each fiscal year for any courses or programs which are offered by the District to persons other than secondary students attending the regular day regional vocational school. Each member community's share of such special operating costs shall be apportioned by identifying each member community's enrollment and/or participation rate in said courses or programs as compared to the overall enrollment and/or participation rate in said courses or programs. Normally said share shall be paid by the members as a special assessment in the fiscal year following the year of the course or program offering, although exceptions may be made whereby the payment will be made during the fiscal year of the course or program offering.

(G) Times of Payment of Apportioned Costs

Each member shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection V(B), of the capital and operating costs. The annual share of each member community shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

September 1	25%
December 1	60%
March 1	75%
May 1	100%

(H) Apportionment of Costs to New Members

1. The share of operating costs which will be paid by a new member community will be determined consistent with subsection IV(E) except that, for purposes of calculating that community's four (4) year rolling average of pupil enrollment, the number of "out of district" students from that community which were enrolled in the regional district school during each of the applicable four (4) years will be regarded as that community's "pupil enrollment" during those years for purposes of this calculation.

2. The Regional School Committee, prior to the admittance of a new member community, will have the option of negotiating a phase in of the amount of capital costs which will be assessed to that new member community during the first three years of membership in the District. Beginning no later than the fourth year of membership and thereafter, however, the new member community will be assessed the full capital cost apportionment that will result from an application of subsection IV(D).

(I) Incurring of Debt

Other than short-term borrowing for cash-flow purposes, the incurring of debt for purposes expressed in G.L. Chapter 71, section 16(d), will require at least a two-thirds (2/3) vote of all of the members of the Regional School Committee, without regard for the weight of the votes. If such a margin exists, the Committee must seek authorization for incurring debt by following the approach set out in G.L. Chapter 71, section 16, subsection (d). If one or more member communities vote disapproval of the debt, the Committee, by a majority of the weighted vote, may then seek authorization for the debt via Chapter 71, section 16, subsection (n). If and when subsection (n) is utilized, and if the incurring of debt is approved via subsection (n), the following option will be open to a member community if a majority of the registered voters voting on the question from that community voted to disapprove the incurring of debt in the subsection (n) election. Said community may seek to withdraw from the District consistent with the procedure in Section IX, and, if the notice of withdrawal is sent consistent with Section IX within sixty (60) days of the subsection (n) election, that community will not be responsible for a share of the debt service attributable to this new debt even if that community's withdrawal from the District is not approved by a majority of the member communities as required by Section IX, or even if the withdrawal of said community is disapproved by the Commissioner. Communities whose resident voters disapprove the incurring of the debt in the subsection (n) election but which do not give a notice of withdrawal consistent with Section IX will remain members of the District and will share in the debt service for the new debt consistent with the apportionment process in this Section IV.

SECTION V BUDGET

(A) Tentative Operating and Maintenance Budget

The Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member communities. The said Committee shall mail a copy to the chairman of the Board of Selectmen and the Finance or Advisory Committee, if any, of each member town at least fifteen days prior to the date on which the final operating and maintenance budget is adopted by the Committee, said copy to be itemized in a fashion consistent with DESE's chart of accounts.

(B) Final Operating and Maintenance Budget

After conducting a public hearing consistent with G.L. Chapter 71, section 38M, the Committee shall adopt an annual operating and maintenance budget for the ensuing fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. Said adoption of the budget will require a combined total of weighted votes equal to or exceeding 66.7% of the weighted vote of the entire Regional School Committee (i.e., not merely two-thirds of the weighted vote of those present at the meeting). Said annual operating and maintenance budget shall include debt and interest charges and any other current capital costs as separate items, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member community shall be certified by the district treasurer to the treasurer of such member community within thirty days from the dates on which the annual operating and maintenance budget is adopted by the Committee, and each such community shall, at the next annual town meeting or meeting of the city council, appropriate the amounts so certified. The annual Regional School District budget shall require approval by the local appropriating authorities of at least two-thirds (2/3) of the member communities consistent with G.L. Chapter 71, section 16B.

SECTION VI TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member communities as an operating cost.

SECTION VII AMENDMENTS

(A) Limitation

This Agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the right of the District to procure the means for payment thereof, provided that nothing in the section shall prevent the admission of new communities to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

(B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member community (which shall be acted upon as provided in Section IX), may be initiated by a vote of at least three-fourths (3/4) of all of the members of the Regional School Committee, without regard for the weight of the votes, so long as the proposed amendment was discussed as an agenda item at no less than one prior Committee meeting. Alternatively, a proposal for amendment may be initiated by a petition signed by at least 10 per cent of the registered voters of any one of the member communities. In the latter case, said petition shall contain at the end thereof a certification by the Municipal Clerk of such member community as to the number of registered voters in said community according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of

said community and said petition shall be presented to the secretary of the Committee. In either case, the Secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen, or City Council, of each of the member communities that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal or the substance thereof, and the City Council in each member city shall vote on said proposed amendment within two months of its submittal by the Committee. Such amendment shall take effect upon its acceptance by all of the member communities, acceptance by each community to be by a majority vote at a town meeting in the case of a town, or by majority vote of the City Council in the case of a city, and after approval by the Commissioner.

(C) Approval by Commissioner

All amendments to this Agreement are subject to the approval of the Commissioner.

SECTION VIII ADMISSION OF NEW COMMUNITIES

By an amendment of this Agreement adopted under and in accordance with Section VII above, any other community or communities may be admitted to the regional school district. The effective date for the admission of each such new member shall be the July 1 following the adoption by the District of such an amendment, the acceptance by all of the existing members, and the approval by the Commissioner. All of the above approvals must be completed by December 31 for the new member to be admitted on the following July 1. Such admission also shall be subject to compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.

SECTION IX WITHDRAWAL

(A) Procedure

Consistent with 603 CMR 41.03(2) the withdrawal of a member community can occur only as of July 1 of a given fiscal year. A notice of desire to withdraw must be initiated by a two-thirds (2/3) vote of the legislative body of the member community, which must occur no less than three (3) years prior to the desired July 1 withdrawal date. The Municipal Clerk of the community seeking to withdraw must notify the Regional School Committee in writing within seven (7) days of the vote of the legislative body that the two-thirds (2/3) vote has occurred, and the receipt of the notice of withdrawal will be acknowledged in the minutes at a Regional School Committee meeting. Within seven (7) days of its receipt, the District's Clerk will notify in writing the Municipal Clerks of all of the member communities that a notice of withdrawal has been received. Once this notice of withdrawal is given, it may not be rescinded without the unanimous consent of the members of the Regional School Committee. The withdrawal of a community will be allowed only if it is approved by a majority of the other member communities. A failure of the legislative body of a member community to vote disapproval of a requested withdrawal within sixty (60) days of the notice of withdrawal being submitted to the Regional School Committee will constitute approval. During this three (3) year notice period, the departing member will continue to be responsible for the following:

1. Payment of its share of operating costs apportioned by way of subsection IV(E).

2. Payment of its share of capital costs apportioned by way of subsection IV(D), except that no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after said disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I). Similarly, no apportionment for a withdrawing member will be made for a share of any debt incurred after the member has given a notice of withdrawal.

3. The withdrawing community shall continue to have a right to appoint and be represented by its member on the School Committee will full voting authority until the date of final withdrawal, on which date the withdrawing community member's term shall end.

(B) Continuing Obligations After Withdrawal

A departing member shall have no right or claim to the assets of the District, and a departing member shall continue to be responsible, after withdrawal, for the following:

1. Payment of its share of capital costs incurred prior to withdrawal apportioned by way of subsection IV(D), provided that for purposes of this apportionment the withdrawn community's enrollment shall be deemed to be its enrollment determined pursuant to subsection IV(D) immediately prior to the date of its notice of intent to withdraw, except that:

a. no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after which disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I); and,

b. no apportionment for a withdrawing member will be made for a share of debt that was incurred by the District following receipt of the withdrawing member's notice of intent to withdraw, such notice having not been rescinded.

(C) Commissioner's Approval

Consistent with 603 CMR 41.03(2) the withdrawal of any member requires the approval of the Commissioner of Education, and all requisite approvals must be obtained no later than the December 31 preceding the July 1 effective date of withdrawal.

(D) Amendment to Agreement

The withdrawal of a member which occurs consistent with the above will, upon its completion, constitute an amendment to the Regional Agreement, regardless of the fact that said amendment was not processed via the procedure contained in Article VII.

SECTION X TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils from communities other than member communities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV to the member communities, provided that income identified as a contribution to capital costs shall be applied to the capital budget.

SECTION XI FISCAL YEAR

The fiscal year for the district shall run from July 1 to June 30.

SECTION XII SUBMISSION FOR APPROVAL

This Agreement shall be submitted for approval pursuant to the applicable provisions of Chapter 71 of the General Laws.

778239v1



TOWN OF BELMONT

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

POLICE DEPARTMENT



TELEPHONE
(617) 484-1215

RICHARD J. McLAUGHLIN
CHIEF OF POLICE

Dear Members of Belmont Town Meeting,

Listed below please find original language with the corrected version of the Bylaw for Criminal History Checks for Certain Licenses, Permits and Regulations. These changes are recommended to clarify the Bylaw as recommended by the Bylaw Review Committee and Department of Public Safety. I appreciate your support for this clarifying/corrective amendment. Additions are underlined and ~~Deletions shown in strikeout.~~

ARTICLE 5 – AMEND GENERAL BYLAWS FOR CRIMINAL HISTORY CHECKS

BEFORE AMENDMENT TO CLARIFY/CORRECT §60-905 E (2)

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

In addition, the officer conducting the check shall consider whether the person is registered as a sex offender.

AFTER AMENDMENT TO CLARIFY/CORRECT §60-905 E (2)

(2) In determining whether to recommend the applicant as fit for the license, the officer shall consider whether any entry in the records constitutes an automatic disqualification from the occupation. The officer shall also will consider how the following convictions or pending criminal cases bear specifically upon the applicant's fitness or ability to serve in the occupation for which he or she is seeking a license: for

(a1) any felony,
(b2) any offense related to unlawful sexual conduct,
(c3) the distribution or possession with intent to distribute a controlled substance,
(d4) any misdemeanor involving as an element the use or threatened use of force,
(e5) any misdemeanor involving the unlawful taking or receipt of property, or attempts to do so, and
(f6) any other relevant crime, ~~which bears more specifically upon the applicant's fitness or ability to serve in the occupation for which he or she is seeking a license.~~

In addition, the officer conducting the check shall consider whether the person is registered as a sex offender.

BEFORE AMENDMENT TO CLARIFY/CORRECT §60-905 F (3)

(3) The licensing authority will consider the information provided pursuant to this bylaw and other information relevant to the applicant's fitness to whether to issue the license.

AFTER AMENDMENT TO CLARIFY/CORRECT §60-905 F (3)

(3) The licensing authority will consider the information provided pursuant to this bylaw and other information relevant to the applicant's fitness, ~~to whether to issue the license.~~

Richard J. McLaughlin
Police Chief