

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES
January 26, 2011

RECEIVED
TOWN CLERK
BELMONT, MA.
FEB 11 2 07 PM '11

7:05 p.m. Meeting called to order.

Attendance: Sami Baghdady, Chair, Michael Battista, Jenny Fallon, Andres Rojas, Karl Haglund; Jay Szklut and Jeffrey Wheeler, Staff; Charles Clark, Associate Member.

Minutes of January 5, 2011 and January 20, 2011 were unanimously approved.

Mr. Baghdady introduced Charles Clark, the Board's new Associate Member and invited him to a seat at the table.

Committee Updates

Transportation Advisory Committee – Mr. Haglund noted that at their next meeting (Feb. 10th) the Committee will be selecting two final designs for Belmont Center to present to the Board of Selectmen. Planning Board members requested staff to try and get enlarged drawings of the two selections for discussion at the Board's next meeting.

Capital Budget Committee – The Committee has begun to meet in preparation for the Annual Town Meeting. The Committee is gathering the list of requested items. Ms. Fallon reported that the total value of requested items is approximately \$5.5 million.

7:25 p.m. Discussion – Vacant Buildings By-Law

The Board reaffirmed their concerns over the appropriateness of this bylaw for Belmont, noting that Revere, the originator of the concept, is a very different community than Belmont. Additionally, two of the more significant commercial properties that are vacant have recently been sold and are likely to be redeveloped in the near future. The Board again did not at this time support the adoption of the bylaw for Belmont and instructed staff to so notify the Board of Selectmen.

7:30 p.m. Discussion – Historic Accessory Buildings Zoning Amendment

After deliberation, Board members agreed to not bring forward an amendment to the Historic Accessory Building Zoning By-Law. The amendment would have expanded the definition of "owner" to include children, grandchildren, grandparents, and possibly other family members. However, it was felt that few properties would be affected and any issues could be handled on a case by case basis.

7:40 p.m. Discussion – South Pleasant Street Forum

Board members were in agreement that the forum was a success. There was a good turnout and many comments were heard. Generally, commercial use was encouraged. Members stressed that the visual aids need to be improved. Specifically, members requested that larger hard copy maps be provided. Maps should display the broader context, (the McLean zoning and property,

neighboring residential areas, etc.) of South Pleasant Street. Staff will provide larger maps for the next forum.

8:00 p.m. Discussion – Improving Communication

Mr. Baghdady reported on a meeting he had with Liz Allison, chair of the Warrant Committee. He noted that he and Ms. Allison were in agreement that the two Boards should share more information with each other. For example, the Warrant Committee will be providing the Planning Board with fiscal information such as the cost per capita of town services and the average cost per student of education, to allow the Planning Board to consider the economic impacts of proposed development when considering zoning. Also, the Planning Board will solicit the input of the Warrant Committee early in the process when considering changes to the Zoning By-Law. This will allow both groups to better coordinate their decisions.

8:20 p.m. Meeting Adjourned

Next Meeting: Wednesday, February 9, 2011, 7:00 p.m.
Board of Selectmen's Meeting Room, Town Hall

List of Documents presented:

- Newspaper Article re: Revere Vacant Buildings By-law
- South Pleasant Street Forum 1 Comments
- South Pleasant Street Forum 1 Evaluations Summary

MINUTES APPROVED 2/9/2011

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REVERE

Vacant property to bring city fees The Boston Globe
Effort to revive abandoned sites

By John Laidler, Globe Correspondent | February 1, 2007

Revere has devised a new tool to return vacant buildings to productive use.

Under a new ordinance proposed by Mayor Thomas G. Ambrosino and approved unanimously by the City Council last week, the city will charge annual registration fees to the owners of empty commercial and residential buildings.

"It's an effort to try to help us deal more effectively with abandoned properties," said Ambrosino, who modeled the ordinance on a similar measure in Wilmington, Del. "This is an effort to create an incentive for people to rehabilitate those properties."

In particular, it is intended, he said, to target properties that are vacant and boarded up but are otherwise not unkempt or in violation of city building and health codes. The city currently can take action against owners of properties that violate codes, but has few options when it comes to buildings that are simply boarded up.

"Like every other city our size, we have a handful of these properties, and they tend to detract from the aesthetic value of the neighborhoods and diminish property values," said Ambrosino, who is not aware of any other Massachusetts communities that have established such a fee.

The new ordinance, which took effect immediately, defines a vacant building as one in which no one is residing or no business is being conducted. Also meeting the definition are any buildings in which more than half of the exterior windows and doors are broken, boarded up, or without a functioning lock.

Within 45 days of a building becoming vacant, the owner is required to register it with the city's Department of Municipal Inspections. Then, by Nov. 15 of each year, the owner must pay a registration fee to cover the administrative cost of "monitoring and ensuring the property maintenance" of the building.

The fees escalate based on the amount of time the structure has been vacant, from \$500 for properties that have been vacant for less than a year to \$3,000 for those vacant for three years or more. Building owners have the right to appeal the fees to the Board of Health, but only based on the issue of whether the building is vacant and for how long. Those who don't register or pay their fees are subject to \$300-per-day fines.

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Ambrosino said it is possible that owners could challenge the ordinance in court by stating that the fee is an unconstitutional tax. Under the state constitution, cities and towns are not permitted to impose a tax outside of the property tax without authority from the Legislature, according to the mayor.

But the mayor said that is a risk worth taking. "I think we can justify the fee, based upon how much time and effort we generally apply to abandoned properties."

Ambrosino said he has no estimate of the revenue the city would generate from the program. "That is not the issue for us," he said. "It's a matter of trying to create a monetary incentive for people to do work on their properties."

Councilor at Large John R. Correggio believes the ordinance can do "a tremendous amount of good."

"We need to do something about these abandoned buildings," Correggio said, noting that he has first hand knowledge of the problem as a retired Revere fire lieutenant. "They are not only major safety hazards for children and residents in the area... but also, it's a major risk to firefighters to have to fight fires in these abandoned buildings."

John Rago, director of policy development and communications for Mayor James M. Baker of Wilmington, Del., said his city has had significant success with its vacant building ordinance.

Rago said the ordinance actually dates to the 1980s, when Baker put it through as City Council president. But it only began to have an impact when it was revised in 2003, after Baker became mayor, and the previous \$25-a-year fee was replaced with an escalating annual charge based on how long properties have been vacant.

"The results have been really, really amazing," Rago said, noting that in the first three years of the revised program, the owners of vacant properties took out permits for approximately \$30 million in renovations, and Wilmington saw a net reduction of about 300 in the number of vacant properties in the city. Today about 1,100 remain.

The Wilmington program already has withstood a legal challenge. According to Rago, Delaware's highest court ruled against a property owner who stated, "We didn't have any right to force him to fix up his property."

Rago said the US Conference of Mayors last year presented a "best practices" award to Wilmington for its program, which has drawn inquiries from many other cities.

Revere will begin assessing its registration fees this November.

"I'm very happy that the council was willing to go along with this," Ambrosino said, "and, hopefully, it will have some positive impact."

"It's a start," Correggio said. "Abandoned buildings are all over, not only in Revere, and we need to clamp down on these things... Hopefully, other cities will follow what we have."

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Ordinance



City of Revere
City Council

City Council Order No. 07-22

Date: January 29, 2007

Offered By Councillor Novoselsky

**AN ORDINANCE TO REGULATE AND STIMULATE THE
REHABILITATION OF VACANT BUILDINGS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
REVERE AS FOLLOWS:

Section 1. Title 8 is hereby amended by adding a new Chapter 8.05
entitled "Regulation of Vacant Buildings." The new Chapter 8.05 shall
have the following Sections:

2007 JAN 30 AM 11:59
CITY CLERK'S OFFICE
RECEIVED

Section 8.05.010 PURPOSE

The City has found that vacant buildings encourage temporary
occupancy by transients, drug users and persons engaged in criminal
activity; cause surrounding areas to suffer from stagnant or declining
property values; and create significant costs to the City by virtue of the
need for constant monitoring and occasional cleanup. Accordingly, the
purpose of this Ordinance requiring the registration of all vacant
buildings, both residential and commercial, is to assist the City
government in protecting the public health, safety and welfare of its
residents by encouraging the prompt rehabilitation and permanent
occupancy of such abandoned structures.

Section 8.05.020 DEFINITION

For purposes of this Ordinance, a "vacant" building means any
commercial building in which no person or entity actually conducts a
lawfully licensed business in such building; or any residential building
in which no person lawfully resides in any part of the building; or a
mixed use building in which neither a licensed business nor a lawful
residents exists. Further, any building in which more than one half of
the total exterior windows and doors are broken, boarded or open
without a functioning lock shall be deemed "vacant" regardless of
occupancy.

Section 8.05.030 REGISTRATION

Within 45 days of a building becoming vacant, each owner of such vacant building shall register said building with the Department of Municipal Inspections by providing such Department, on a form to be created by such Department, with the name, address and telephone number of each owner of the building, the street address of the building and the map, block and parcel number of such building. If none of the owners are at an address within the Commonwealth of Massachusetts, then the registration shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting the public health, safety and welfare and of service of any and all notices issued pursuant to this Ordinance. The failure timely to register a vacant building shall be a violation of this Ordinance.

Section 8.05.040 REGISTRATION FEES

On or before November 15 of each calendar year, the owners of any vacant building shall pay to the Department of Municipal Inspections a Registration Fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15 of such year according to the following schedule:

\$500.00 – For properties that have been vacant for less than one year.

\$1,000.00 – For properties that have been vacant for one year or more but less than two years.

\$2,000.00 – For properties that have been vacant for two years or more but less than three years.

\$3,000.00 – For properties that have been vacant for three years or more.

A failure to pay timely the Registration Fee shall be a Violation of this Health Code, and the full fee shall be deemed an assessment resulting from a Violation of this Health Code subject to a lien on property to be collected in accordance with Chapter 497 of the Acts of 1991.

Section 8.05.050 BILLING STATEMENT

On or before October 15 of each calendar year, the Department of Municipal Inspections shall send a billing statement, setting forth the required Registration Fee, to each owner of a vacant building. However, the Registration Fee set forth in Section 8.05.040 shall be due and payable on November 15 of each year regardless of the delivery or receipt of such billing statement.

Section 8.05.060 APPEAL

Any owner assessed a Registration Fee under this Ordinance shall have the right to appeal the imposition of such fee to the Revere Board of Health upon the filing of an application in writing, no later than 15 calendar days after mailing of the Billing Statement. The appeal request shall be accompanied by a \$50.00 non-refundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the Registration Fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within 10 calendar days of the decision of the Revere Board of Health.

Section 8.05.070 OTHER VIOLATIONS

The provisions of this Ordinance are in addition to, and not in lieu of, any and all other applicable provisions of the Revised Ordinances of the City of Revere or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

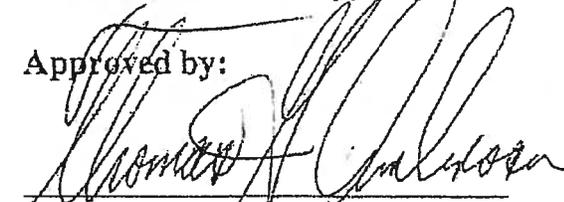
Section 8.05.080 ENFORCEMENT

Any person or entity violating this Ordinance, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of up to \$300.00 per offense. Each day that the owner is in violation shall constitute a separate offense. The Health Agent and/or Code Enforcement Officers of the Board of Health shall have the right to enforce this Ordinance pursuant to the Non-Criminal Disposition procedures set forth in Chapter 1.12.

January 29, 2007 ORDERED to a first reading.
January 29, 2007 ORDERED to second reading.
January 29, 2007 ORDERED to a third and final reading.
January 29, 2007 ORDERED ENGROSSED AND ORDAINED
On a Roll Call: Councillors Casella, Colella,
Correggio, Goodwin, Guinasso, Haas,
Novoselsky, Powers, Rizzo, Rotondo and
Zambuto voting "YES".

Attest: John J. Henry, City Clerk

Approved by:

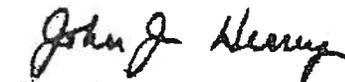


Mayor Thomas G. Ambrosino

1/31/07

Date

Attest:


City Clerk

City Clerk

City of Revere
Department of Municipal Inspections

VACANT BUILDING REGISTRATION FORM

Entire form must be filled out completely and accurately to be accepted. Mail to: Mr. Nicholas Catinazzo, Director; Department of Municipal Inspections, 249R Broadway, Revere, Massachusetts 02151.

DATE: _____

VACANT BUILDING ADDRESS: _____

MAP: _____ BLOCK: _____ PARCEL: _____

OWNER'S NAME: _____

OWNER'S TELEPHONE NUMBER: _____

OWNER'S MAILING ADDRESS (P.O. Boxes are not acceptable):

If Owner is a Corporation, please provide:

NAME OF PRINCIPAL OF CORPORATION: _____

RESIDENT AGENT'S NAME AND ADDRESS*: _____

*MUST BE AN INDIVIDUAL WHO WILL ACCEPT SERVICE OF PROCESS ON BEHALF OF THE CORPORATION.

THIS IS NOT A BILL! Do not send payment at this time.

You will receive a Vacant Building Billing Statement, not later than October 30, of this year. Any owner who fails to return this Registration Form for a vacant building will be subject to a fine of up to \$300.00 per day. In addition, all fines and fees shall be subject to a tax lien on the property and collected in accordance with Chapter 497 of the Acts of 1991.

**SOUTH PLEASANT STREET FORUM I
AUDIENCE NOTES – January 20, 2011**

MICHAEL'S NOTES

- Continue car uses?
- McLean R & D and assisted living – develop with these in mind.
- Reflect historic area in design of new development.
- Coordinate development with other projects and areas in town. (What can Belmont support?)
- Commercial vs. residential or mix?
- Different than the rest of Belmont going forward. Think out of box.
- Affect on residential neighborhoods behind municipal land – sight, sound, smell, etc.
- As Rt. 60 and a high traffic area parking and reason to stop is important stickiness!
- Farmer's market, small merchants (Fanuil Hall like) – green environment.
- Municipal swaps – police, etc.
- Is there an appetite for neighbors to isolate existing residential neighborhood from South Pleasant Street?
- Pedestrian crossovers over railroad.
- Route 60 to Trapelo Road is supposed to add traffic lights as part of McLean Project.
- Extend downtowns into South Pleasant Street. Bridges, tunnels, etc.
- Town versus developer trade-offs.
- Need map with footage – Assessors.
- Height is a concern for some.
- Dealership use has been a good use.

South Pleasant Street Forum I
Audience Notes – January 20, 2011

- Trade-offs – if higher building can open space be increased.
- Viewscape important to neighbors.
- Similar to Kendall Square – multi-use.
- Air rights over railroad to extend development.
- Integrate with Waverley Square.
- Commercial development and tax revenue.
 - High end R & D (Genzyme type).
- High tech auto uses.
- Kids recreation center – teens.
- Restaurants.
- Indoor sports complex (public/private) hockey rink/climbing wall.
- Office space.
- Large scale day care.
- Dog park.
- Not an office park?
- Project vision for future by attracting start up next tech businesses.
- Exclusively Commercial – retail, restaurants, office.
- Mix retail, office and residential.

JENNY'S NOTES

- Develop pedestrian and bike connections as part of vision.
- Potential to change atmosphere.
- Reconfigure auto connections as well?
- Make use of White Street extension?
- Try to visualize total transformation extend downtown areas?
- Get estimate for White Street Bridge?
- High end biotech, R & D, other development to expand tax base?
- Leaning toward commercial uses?
- Continue to support automotive uses? Especially of future.
- Opportunity for something to happen soon.
- Actually relatively close to neighborhood off of Waverley Street. Sight lines go across to Pleasant Street.
- Should we consider more than one zone?
- Not very walkable – vehicle access.
- Visualize like sidewalk businesses? BBQ, Farmers Market, Fanuil Hall as model?
- Should it be considered as continuous with the other side of tracks?
- Municipal uses in swap?
- Should the properties fronting on Trapelo Road be included? (Shaws, Car Wash)
No? Part of Waverley? Take out Shaws?
- Post prior requirements (came before McLean Agreement).
- Be aware of traffic implications.
- Plan design – consider connection to Historic District – make visually pleasing.

South Pleasant Street Forum I
Audience Notes – January 20, 2011

- Consider infrastructure and services and what Belmont is capable of.
- What would make it attractive and inviting.
- Mall type use incorporating spaces for young people to gather?
- Hardware store? Good parking.
- Look realistically at commercial development ideas – significant investment.
- Will involve traffic.
- Sports complex. Day care.
- Design will be crucial in making a substantial commercial development work.
- Tech uses?
- What does “substantial” mean?
- Where will height work? Not block view from Waverley?
- Surface parking? Visual aspect – what is tradeoff to give incentive to hide parking?
- Vision more like Kendall Square?
- Air rights development? Connect the neighborhood?
- Poll:
 - Residential – 1
 - Apartment House – 3
 - Commercial – 15
 - Mixed use – 7

Feedback
Planning Board Forum on South Pleasant Street
January 20, 2011

1. Overall, how would you rate tonight's Public Forum?

<u>1. Not Useful</u>	<u>2.</u>	<u>3. Average</u>	<u>4.</u>	<u>5. Very Worthwhile</u>
n/a	n/a	1/2	4-1/2	7

2. What was the most helpful part of this Forum for you?

- Hearing what other residents support in terms of commercial/business area development. Best aspect of the forum was that it is proactive, not reactive
- Hearing developer talk.
- Good dialogue, context
- Open discussion
- Hearing a diversity of ideas.
- Brainstorming citizens concerns, notably with only a little "assessment"
- Wonderful ideas with the reality that there will need to be trade-offs – higher heights for more open space
- Diversity of participants (citizens, elected officials, developers, elders)
- Open, thoughtful dialogue
- Challenge of rezoning for entire area

3. What was the least helpful part of this Forum?

- Map needs to be bigger, with vacant lots highlighted
- Too much talk without much substance.
- That owner of the parcel kept quiet until 8:40 and didn't hear much of what was said.
- None
- Nothing – every comment in a forum is of value
- Audience expected to hear clear visions – that was unrealistic
- Being limited to discussing rezoning entire area instead of the "elephant" in the room – the DiMilia property – map was very confusing.

4. Any comments or suggestions for next steps?

- Invite all parcel owners to forum so they can hear what Tocci is hearing – Town's vision for that strip of Pleasant Street.
- More specific

4. Continued - Any comments or suggestions for next steps?

- Better visual aids:
 - 1) much more comprehensive map, including context surrounding
 - 2) photographs illustrating the viewscape from various perspectives
- Hard thinking about what can happen – what cannot happen throughout the length of this area.
- Better visuals – maps, sites, uses; Economic presentation (basic) – i.e., costs, yields (return), taxes
- Continue discussion
- Better maps
- Better maps showing all details of area and more info on zoning – options, current, changes? I would like to see the Clark Street bridge opened to ease traffic flow