

**TOWN OF BELMONT  
PLANNING BOARD**

**MEETING MINUTES  
FEBRUARY 15, 2013**

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BELMONT, MA.

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**7:45 a.m. Meeting called to order.**

Present: Sami Baghdady, Chair; Michael Battista, Vice Chair; Elisabeth Allison, Charles Clark, Joseph DeStefano, Karl Haglund; Jeffrey Wheeler, Staff Liaison to the Planning Board

**7:45 a.m. Preparation for Town Meeting**

**Medical Marijuana Treatment Center Moratorium**

Mr. Baghdady reported that there had been progress made in drafting the moratorium. The Board agreed to also prohibit home cultivation, and to add a severability clause into the by-law.

**Religious and Municipal Buildings:**

Mr. Baghdady reviewed the draft bylaw, and reviewed Town Counsel's response regarding drafting an overlay for 30 prospective properties. Mr. Battista suggested general criteria should be developed to capture all the properties without amending the zoning map. Mr. Haglund commented that he was surprised that a list had not already been generated. Mr. Baghdady suggested that that the list of buildings could be adopted by the Board in the form of rules and regulations.

Mr. Battista questioned if the by-law should apply to all properties or just the church buildings. Mr. Baghdady suggested that the list could deal with this issue. Mr. DeStefano stated that the by-law should be flexible. Mr. Battista agreed, and added that was the purpose of the by-law.

Ms. Allison mentioned that she wanted to talk about density bonuses at some point. She argued that bonuses are expensive to the Town and impact the residential neighborhoods. Mr. Clark commented that none of these conversions would be by right, and the density could be discussed when someone applies. Ms. Allison added that she was concerned that a developer would say that he had to build a certain number of units and stories in order to save the building.

**Demolition Delay:**

Mr. Baghdady reviewed the Historic District Commission's proposal. Ms. Allison and Mr. DeStefano agreed that some protection needs to be adopted, and that a plain vanilla by-law was the best option. She distributed a draft and asked a few questions about the length of delay and process. She wanted to make sure that there was no way for the delay to be extended, and that it was clear that when delay has expired that the building can be demolished.

Mr. Clark inquired about the penalties if a building is demolished without following the procedures of the by-law. Mr. Baghdady focused on the list of covered properties developed by the HDC. Mr. DeStefano argued that the criteria should be a building that is 100 years old. All agreed that the worst case would be for the by-law not to pass Town Meeting.

Mr. Baghdady inquired about the options available to the property owner who did not want his or her property covered by the by-law. Mr. Clark suggested that the by-law should include an 'opt out' provision. Mr. Baghdady stated that Winchester's by-law provides a one time 'opt out' provision. Mr. Haglund stated that a one time 'opt out' is too restrictive. Mr. DeStefano stated that an opportunity to 'opt out' was critical. Mr. Battista stated that if you buy knowing that your property is on the list, then you know, whereas if after you bought the property and it is listed then he would have an issue with this. Mr. Baghdady mentioned that there are people who do not want their properties on the list. Mr. Battista stated that this was financially onerous, and agreed with Ms. Allison that their property rights will be compromised forever. Mr. Baghdady inquired whether there should be a one time right to 'opt out'. Ms. Allison stated that the HDC would not support the 'opt out'.

Mr. Baghdady suggested offering a by-law as an alternative that includes the list and the 'opt out' option. Mr. Clark agreed. Mr. DeStefano stated that he was willing to reach out to the HDC to discuss 'opt out' options. He added that if they say no to the proposed solutions, then the Planning Board can submit their own version of the by-law. Mr. Baghdady stated that he will prepare an article for Town Meeting. Mr. Haglund added that houses from Cottage, Oak and Myrtle Streets were missing from the list. Mr. Battista questioned the length of delay. Mr. Baghdady commented that if there is no 'opt out' option then the delay period should be shorter. Mr. Battista commented that all contiguous towns are 12 months.

### **Inclusionary Housing:**

Mr. Baghdady reviewed the background of the establishment of the working group which excludes any member of the Planning Board. He expressed concern about this process of drafting the by-law.

Ms. Allison stated that there are 3 boards, Board of Selectmen, Planning Board, and Warrant Committee, that are charged with balancing the needs of the Town as a whole, and the proposed by-law only reflects one point of view. She reviewed the financial impacts on Cushing Village and stated that the by-law has to balance all equities. She mentioned that it could cost the developer \$2.3 million to provide affordable housing at Cushing Village, and that this makes it more difficult to extract concessions which protect the neighborhood. She argued that the current draft goes too far. Mr. Baghdady stated that the Board is in favor of Inclusionary Housing but the standards in the by-law are extreme. Mr. DeStefano replied that Cushing Village is paying more than 5% of the

gross and that Belmont is a smaller community than others with Inclusionary Zoning By-laws. Ms. Allison suggested using the State model by-law. Mr. DeStefano added that the State model has some good provisions that should be included in the Planning Board's draft. Mr. Baghdady concluded by stating that the Planning Board needs to be involved in the public process since they are the body that looks at zoning.

**Richardson Farm:**

Mr. Baghdady commented that the draft recommendation letter to Town Meeting had been e-mailed to the Board, and that any comments should be forwarded to Mr. Battista and Mr. Wheeler.

**Thomas Clark House:**

Mr. Baghdady reviewed the HDC proposal of moving the house across the street to part of the First Armenian Church property on Concord Avenue. He asked the Board if it wanted to extend the proposed commercial zone to include the Church. All agreed that a discussion on the matter should wait until a formal request is submitted by the Historic District Commission.

**70 Concord Avenue**

Mr. Baghdady briefly reviewed the status of the Dunkin Donuts at 70 Concord Avenue, and stated that there are 2 issues regarding this development: trash and parking. Mr. DeStefano recused himself from the discussion, since he rents to a Dunkin Donuts franchisee in Waverly Square. Mr. Wheeler provided the Board of Health's Dumpster Regulations to the Board, and stated that the BOH reviews and permits all dumpsters.

**Moved by Mr. Clark to accept the minutes of October 23, 2012. Seconded by Ms. Allison and it was passed unanimously.**

**Adjournment: 9:20 a.m.**