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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Tuesday, March 22, 2016
6:15 PM

APPROVED
BOARD OF SELECTMEN
DATE: 6-21-2016

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:23 p.m. by Chair Sami Baghdady in the Selectmen's Meeting Room. Selectmen Mark Paolillo and Jim Williams were present. Town Administrator David Kale and Assistant Town Administrator Phyllis Marshall were also present.

Chair Baghdady stated that the Board will go directly into Executive Session. The Board will return at 7:00 for the regularly scheduled Board meeting.

ACTION BY APPOINTMENT

Executive Session

The Board moved: To enter into executive session at 6:23 p.m. to consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares. The Board WILL return to open session.

A roll call vote was taken: Chair Baghdady said aye, Selectman Paolillo and Williams also said aye and the motion passed unanimously (3-0).

Open Session

The Board moved: To exit Executive Session and Return to Open Session at 7:03 p.m. A roll call vote was taken: Chair Baghdady said aye, Selectman Paolillo and Williams also said aye and the motion passed unanimously (3-0).

ACTION BY APPOINTMENT (Continued)

Discussion and Possible Vote for Extension on Purchase and Sale Agreement for Cushing Village

Mr. Chris Starr, Mr. Rob Loring (Smith Legacy), Mr. Mark Donahue (Smith Legacy), Ms. Shelly O'Neill (consultant), and Mr. William Lovett (Toll Brothers) appeared before the Board to discuss the possible extension on the Purchase and Sale Agreement for Cushing Village.

Members of the Planning Board in attendance included Ms. Liz Allison (Chair), Ms. Barbara Fiacco (Vice Chair), Mr. Charles Clark, and Mr. Raffi Manjikian.

Mr. Jeff Wheeler, Assistant Director of Community Development, was also present.

Ms. Allison called the PB to order at 7:03 p.m., as well.

Mr. Donahue began by stating that he will request an extension of the Purchase and Sale (P & S) Agreement to obtain the parking lot. He provided some background information, noting that the previous lending group and the Joint Venture Partner team has fallen apart. He said it became apparent that Smith Legacy would not be able to move forward with the proposed financing arrangement. New developers were sought out and there is now an agreement with Toll Brothers. He explained the process that is proceeding now with regard to the parking lot agreement and the P & S, as it relates to the Toll Brothers.

Smith Legacy, he said, has not fulfilled its promises to the town. Toll represents the best and last opportunity for Cushing Village to be developed.

Mr. Lovett, Toll Development Manager, began by thanking the Board and the town. He expressed excitement in moving forward on the project. He provided some background information on the company. Toll, he explained, is a luxury home-builder. Toll, a luxury brand, has built in 19 states across many demographics. The company is growing and has healthy assets and cash flow. Assets are typically held long-term. He showed examples of some of the units Toll has built and sold.

He said that the vision of Cushing Village Project fits well with Toll's vision.

Chair Baghdady asked some clarifying questions to Mr. Lovett concerning the day-to-day operations. He then confirmed that Mr. Lovett will respect the LDA as it stands. Mr. Lovett agreed that the LDA and related plans will not be majorly altered. Chair Baghdady asked if the asset would be held long-term? Mr. Lovett said yes – although at some point down the road, Toll may want to sell a portion of the asset.

Selectman Paolillo stressed that the community is ready to move forward, after due diligence is complete. He asked when construction might begin. Mr. Lovett said he can't commit to a date, but maybe in the Fall.

Selectman Williams asked about the due diligence process, as well as the design and building process. Mr. Lovett stated that Cushing Village fits the Toll model for building and design.

Audience Comments:

Mr. Steve Klinonski, Pct. 6, asked where the home office is located. Mr. Lovitt answered Westborough, MA, with the corporate headquarters in Pennsylvania.

Mr. Doug Koplow, Pct. 6, asked about the length of the total project. Mr. Lovitt replied that he hopes it will be less than 30 months.

Mr. Brian Saper asked about Toll's experience with commercial tenants. Mr. Lovitt said another management company would be brought in to manage the commercial aspect of the project.

Mr. Steve Carlini, Pct. 5, asked about exploring a building size reduction, as this would be a nice gesture to the neighborhood.

A resident from Pct. 5, asked about quality issues. Chair Baghdady explained that there were comments online about the quality of the properties. Mr. Lovitt spoke to quality controls and the pride in the project.

Ms. Lauren Lombardo, Horne Road, asked what demographic is being marketed to? Mr. Lovitt said no specific market, but he would expect empty nesters, not students.

Another resident said that this project has been a disaster from the beginning. She requested communication with the neighborhood on the project, going forward.

Board Discussion Continued:

Chair Baghdady spoke to the benefits of extending the P & S agreement for another five months. Mr. Donahue read a document which pertained to the P & S extension. The purchase price will be increased to \$1M from \$850,000. The developer will pay \$150K to the town – he explained the attribution of this money which includes \$90,000 in extension payments plus \$40,000 for April 2016 and \$20,000 for legal fees incurred earlier in the fiscal year. Additional legal fees related to the current proposed extension would be reimbursed to the Town in full. Chair Baghdady asked about the legal fees going forward, in negotiating with Toll Brothers. Mr. Hall said the fees will be paid. Starr will assign his rights to the \$250,000 deposit made by Toll. If the Toll Bros. fails to perform, the deposit will revert to the Town.

The Board clarified that the closing will occur no later than August 26. Mr. Donahue addressed the environmental aspect of the project. Selectman Williams asked about the condition of the buildings and the infestation issue. Mr. Donahue explained the pest control plan and the plan for the buildings. Selectman Williams asked that Mr. Donahue again explain how the process broke down. Mr. Donahue summarized the issues that led to Smith Legacy pulling out of the project.

The Board expressed its desire to move forward on this project based on the information provided

Additional Audience Comments:

Mr. Doug Koplow, Pct. 6, asked about the existing penalty payments and the payments going forward if the project is delayed. Mr. Hall explained the collection of the payments, noting that the sale price of the lot was increased, as well.

Mr. John Mattleman, Pct. 5, said that the area is an eyesore. He requested that the area be fixed up during the interim period.

Mr. Kosienski (?), Pct. 6, requested that the "interim reports" be made public, going forward.

Mr. Newton Kupelian, Pct. 5, asked how this will impact the Trapelo Road project. Mr. Kale explained how the Trapelo Road project will coordinate with both Smith Legacy and Toll.

The Board moved: To approve the first amendment of the P & S agreement. (?)
The motion passed unanimously (3-0).

The Board moved: To approve and execute the collateral assignment. (?)
The motion passed unanimously (3-0).

[The Board took a five-minute recess.]

Signature of Required Release for Woodfall Road Property

Mr. Hall remained before the Board to discuss this agenda item.

Chair Baghdady explained that it is stipulated that single family homes must be built on each of the four lots. Mr. Hall explained that the "releases" must be signed, concerning this stipulation until the occupancy permit is completed. This is a standard release.

The Board moved: To approve and sign the required release for the Woodfall Road Property.
The motion passed unanimously (3-0).

The Board will sign the appropriate documentation at a later time.

Review and Presentations of Warrant Articles for Annual Town Meeting – Articles 4, 5, 6

Mr. Hall remained for the discussion of articles 4 and 5.

Article 4: Extension of Demolition Delay

Concerning Article 4 (amending the Demolition Delay to extend the deadline by one year), Mr. Wheeler appeared before the Board to explain that a one-year extension is being requested by the Historic District Commission (HDC) so that the study can be extended. He said the study is in process, but that the current deadline will not allow the HDC to look at the inventory. Only two properties have been impacted by the delay. Mr. Wheeler explained the homeowner appeal process and the six-month delay.

Article 5: Snow Clearance Bylaw

Concerning Article 5, Chair Baghdady stated that this bylaw will make the *Snow Bylaw* permanent. Mr. Hall stated that it is basically being resubmitted without the sunset clause.

Article 6: Amend Single Residence for C Zoning – Oversized Single Family Homes

For Article 6, PB Chair Allison and Vice Chair Fiacco as well as Mr. Wheeler joined the table to explain the article. Ms. Allison explained the impetus for the article, noting that large homes were being built (in C district) out of scale with the neighborhood. Ms. Allison explained some of the restrictions of the proposed bylaw: height, five-year look-back on expansions, and residents must come to the PB for non-conforming structural requests.

Mr. Steve Pinkerton, Pct. 7, stated that residents are pleased with this bylaw. It allows for improvements to be made on homes, but corrects a shortcoming in the existing bylaw. He explained that lots in C area are nonconforming. The result is positive and addresses the neighborhoods' concerns.

Selectman Williams asked about the post and pre-war homes in the area. He raised a question about Somerville's zoning. Mr. Wheeler explained that Somerville adopted "form based zoning" and noted that a variation of that was implemented in Belmont.

The Board thanked the PB members and Mr. Wheeler.

Review and Presentations of Warrant Articles for Annual Town Meeting –
Article 7: Community Preservation Funds

Mr. Floyd Carman, Town Treasurer, appeared before the Board to provide an update on the CPA applications. He reviewed the projects.

1. Winn Brook Tennis Courts **\$325,000**

Mr. Carman noted that the tennis courts are in rough shape. He noted that the vote in the CPC was not unanimous. Selectman Williams explained why Mr. Ferrante voted the way he did. Mr. Carman added that tennis courts at CMS will be out of play and that the BHS courts will eventually be out of play because of the introduction of modular to handle increased enrollment.

2. Construction of Intergenerational Walking Path at Clay Pit Pond **\$228,350**

Mr. Carman stated that this renovation will cover about 60% of the walkway. It will not cover the section near the High School. There will be a Veteran's Memorial, paid for by the Vets. The project is in two phases and this is phase one. (Phase two will deal with the section near the High School.)

3. Preserving Belmont's Original Vital Records **\$80,000**

4. Digitizing Belmont's Town Meeting (TM) Records **\$85,000**

Mr. Carman explained that these two projects will help to preserve the vital records of the town. He explained that this will help residents access records from decades ago.

5. Town Hall Exterior Railings Improvements **\$75,000**

Mr. Carman explained that the railings in the front of the Town Hall building (as well as the upside-down cannons) need to be refurbished. This project falls under the historic category. The shrubbery will need to be cleaned up near the rails and there was a donation to help with new plantings.

6. PQ Park Revitalization

\$25,000

Mr. Carman explained that the scope of this application had originally been to revitalize the entire PQ area, but that the applicants were advised to focus on the playground piece only. The applicants will submit again later to fix the playground, while this application is to study the playground.

Mr. Carman explained what the funds can be used for: open space, historical restoration, affordable housing, etc.

Approval of Annual Fuel Oil Contract-- Public Works Fuel Contract Dennis K. Burke Inc. diesel and unleaded fuel

Mr. Kale stated that this is a routine item. He explained the collaborative bid process.

The Board moved: To approve both the FY17 cooperative Fuel Oil Contracts. The motion passed unanimously (3-0).

Town Administrator's Report

Mr. Kale reported on the following items:

- **Minuteman:** There will be a vote on the debt at a STM in May. DESE has approved the revised agreement.

NEXT MEETINGS

Monday, March 28, 2016 at 7:00 p.m.	Selectmen's Meeting Room Town Hall
Wednesday, April 6, 2016 at 6:00 p.m.	Selectmen's Meeting Room Town Hall
Monday, April 11, 2016 at 7:00 p.m.	Selectmen's Meeting Room Town Hall

The Board moved to adjourn the meeting at 9:05 p.m.



Mr. David Kale, Town Administrator