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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Friday, June 3, 2016
8:00 AM

APPROVED
BOARD OF SELECTMEN
DATE: 7/25/16

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 8:11 a.m. by Chair Mark Paolillo in the Selectmen's Meeting Room in the Town Hall. Selectmen Sami Baghdady and James Williams were present. Town Administrator David Kale and Assistant Town Administrator Phyllis Marshall were also present.

Chair Paolillo turned to the first item on the agenda.

COMMUNITY ANNOUNCEMENTS

The 2016 Annual Town Meeting will be continued on June 6, 2016 at 7pm at the Chenery Middle School Auditorium.

June 8, 2016 Special Town Meeting

The Special Town Meeting will begin at 7pm at the Chenery Middle School Auditorium

June 8, 2016 Special Town Meeting

The Special Town Meeting will begin at 8:30pm at the Chenery Middle School Auditorium

If the business of the first Special Town Meeting (Citizens Petition Zoning) is not concluded by 8:30 PM, it is likely that the second Special Town Meeting (Conveyance of the former Incinerator Site Property) will be recessed to be taken up at future reserved sessions, June 13th or 15th.

QUESTIONS FROM TOWN RESIDENTS

There were none.

ACTION BY CONSENT

Approval of a Proclamation in honor of Kaeleen Elle Chen, MWRA School Education Program Writing Contest essay winner.

Selectman Williams and Mr. Michael Bishop, Water Division Manager, presented the proclamation to Ms. Chen. Mr. Bishop provided the Board with some background on the Annual MWRA contest. Chair Paolillo congratulated Ms. Chen on her award. Vice-Chair Baghdady recognized Ms. Chen's achievement.

The Board moved: To accept the Proclamation.
The motion passed unanimously (3-0).

Award of Contract for FY2017 Water Main Replacement

Mr. Jay Marcotte, Public Works Director, and Mr. Michael Bishop, Water Division Manager, appeared before the Board to recommend they approve the award of the FY17 Water Main Contract to Cedrone Trucking Inc.

Town Administrator Kale explained that the FY17 Water Main Contract was awarded to Cedrone Trucking Inc. The Engineers construction estimate was approximately \$900,000; the actual bid amount for the project was \$733,883. He continued that Common Street: Slade Street to Payson Road (2,750 linear feet) and Cross Street: Brighton Street to Arlington Town Line (1,350 linear feet) is to be constructed in calendar year 2016. Mr. Bishop explained to the Board that this contract continues the thirty year plan. He emphasized that the mains are not leaking but due to age the carrying capacity is diminished and this could impact water quality in the future.

The Board moved: To approve the FY17 Water Main Contract to Cedrone Trucking Inc.
The motion passed unanimously (3-0).

Discussion and Vote on Annual and Special Town Meeting Warrant Articles and Amendments Segment B

Ms. Elisabeth Allison, Chair of the Planning Board, and Mr. Jeffrey Wheeler, Senior Planner, appeared before the Board to review the amendments for Annual Town Meeting Article Six. Ms. Allison began by explaining how the Planning Board came to move Article 6 to the June 6th Town Meeting. She stated that Article 6 is a complicated piece of legislation which contains five provisions related to: grade of the lot, special permit requirements for certain classes of construction on nonconforming lots, height, HVAC and propane tank placement and front set back.

Ms. Allison further explained Article 6 and the five provisions. She stated Provision one refers to the grade of the lot. This provision will allow the grade to be lowered which will reduce the sense of size and bulk of the structure. She continued that Provision two requires a Special Permit from the PB in two cases such as the applicant has requested to increase gross floor area by more than thirty percent or has demolished the house and wants to rebuild a larger house and/or on a different footprint.

Ms. Allison explained that the amendments were filed by Town Meeting Members who were concerned with the language of the second provision stating that it was not transparent. Ms. Allison then gave the Board a brief explanation of the special permit process and the requirements of this permit. Ms. Allison further explained that the look back provision

wording is much clearer in the proposed amendment. The Board and Ms. Allison engaged in a discussion related to the Planning Board and Zoning Board of Appeals process.

Mr. Wheeler reported that he had reviewed the special permit history with the Planning Board. He stated that the period from May 1, 2015 through November 1, 2015 the Community Development Department issued 483 building permits. He continued that only 32 of those permits were for structural enlargements that would increase the original footprints. He further stated that only six of the 32 permits would continue on to require a special permit from the Planning Board. Ms. Allison provided the Board with the conditions in which the Planning Board would consider granting a special permit.

Ms. Allison told the Board that seven amendments have been filed and one was later withdrawn as Town Counsel determined it was outside of the scope of the article. Ms. Allison reviewed the amendments. She explained that Amendment four allows for a change in wording and grammar. She continued that the Planning Board had an unfavorable vote on the amendment due to the language is inconsistent with the rest of the Zoning By-law and the Planning Board is developing a plan for orderly cleanup. Ms. Allison explained that Amendment 4, 5, 7 and 8 were provisions related to the Special Permit requirements. Chair Paolillo asked several clarifying questions.

Ms. Allison reported that the Planning Board had voted unfavorable on Amendment two. She continued that this amendment requires HVAC units and propane tanks be installed five feet back from the front of the house or placed adjacent to the house to minimize visibility. The Planning Board, she noted, felt that the vague language will make enforcement difficult. Ms. Allison reviewed amendment six with the Board. She reported the PB voted unfavorable as it weakens protections for neighbors.

Ms. Allison left the meeting at 8:58a.m.

Vice-Chair Baghdady stated that the rewrite of paragraph two and the Planning Board's criteria of the special permit process is much clearer. Vice Chair Baghdady agreed that these are complex amendments and suggested the Board meet with the Warrant Committee before Town Meeting to hear the presentation once again from Ms. Allison and Mr. Wheeler.

Ms. Allison returned to the meeting at 9:15 a.m.

Ms. Allison and Mr. Wheeler reviewed Amendments 4, 5 and 8 with the Board. Chair Paolillo thanked both Ms. Allison and Mr. Wheeler for their time and efforts. Chair Paolillo stated that the Board will vote on the amendments after meeting with the Warrant Committee on June 6, 2016.

Approval of Agreement for Community Path Feasibility Study

Mr. Wheeler remained before the Board to discuss the Community Path Feasibility Study. Assistant Town Administrator Marshall explained to the Board that an agreement has been reached with PARE Corp. to perform the feasibility study for the community path. She stated a standard contract has been received for \$175, 425 which is within the \$200,000 appropriation of

the RFP. Asst. Town Administrator Marshall continued that she has received a certificate of insurance from PARE and is ready to move forward.

Chair Paolillo noted that the contract is \$25,000 less than the funds that were received from the CBC. He asked if it will be possible to do additional work within the Feasibility Study with those monies. Ms. Marshall explained that the contract may be amended to reflect additional scope of work. Chair Paolillo added that the contract may need to be amended to include additional engineering.

Mr. Vince Stanton asked if PARE Corp has an acoustical engineer on staff. The Board briefly discussed the need to consider acoustics in the feasibility study.

The Board moved: To approve the Community Path Feasibility Study with PARE Corp.
The motion passed unanimously (3-0).

Discussion and Vote on Special Town Meeting Warrant Articles and Amendments Segment B

Ms. Judith Ananian Sarno, Waverley Terrace and TMM Pct. 3, appeared before the Board to discuss the Citizen's Petition-Relating to the Installation of Interior Wireless Telecommunications Facilities that she will be presenting at the June 8th Special Town Meeting. She explained that Article 1 is straight forward and simple. She continued that the zoning requirements were not changing and that the article is requesting that the process for interior and exterior antennas be the same as the special permit process. This process will provide increased transparency, public discussion and provide the abutters with more information about maintenance vehicles that will be in the neighborhood. She added that 242 registered voters have signed this petition.

The Board briefly discussed the special permit process. Selectman Williams asked if potential health concerns resulting from the placement of antennas were considered in the special permit process. Mr. Wheeler explained that cell antenna placement within a local community are regulated by the FCC. He continued that health concerns are not a factor according to the FCC. Selectman Williams asked if the FCC precludes potential health concerns resulting from cell antennas by regulation or legislation. Mr. Wheeler stated that the FCC precludes potential health concerns resulting from cell antennas by legislation. Selectman Williams then requested that Mr. Wheeler review the requirements for a Special Permit.

Chair Paolillo told the Board that he agrees that input and public discussion is an important part of the Special Permit process. He asked what the basis for litigation related to Special Permits is. Mr. Wheeler explained if the ZBA will not grant a Special Permit allowing for the placement of the cell antennae then the carrier may decide if they wish to enter litigation. He continued that if the Special Permit is granted by the ZBA then the neighbors have the right to appeal the decision in Superior Court. Vice Chair Baghdady explained that the Superior Court would issue a de novo decision. Chair Paolillo asked Mr. Wheeler if the ZBA has the authority to place

conditions. Mr. Wheeler said that a plan review from the Planning Board is required prior to the issuance of a Special Permit from the ZBA.

The Board discussed the vote. Chair Paolillo stated that he planned to abstain as he is a member of the Plymouth Church. Vice Chair Baghdady suggested the Board vote to recommend favorable action. He continued that this will allow for meaningful resident input as required by the Special Permit process. He stated there are gaps in the current bylaw requirements which does not address noise issues and that there is no clarity such as indicating whether the antenna will be enclosed by glass. He concluded that he is encouraged by both Lexington and Arlington as they have changed their bylaws to require Special Permits for interior and exterior antennas.

The Board moved: To recommend favorable action
The motion passed (2-0). Chair Paolillo abstained.

Selectman Williams stated that he voted favorably as the additional process is important and that open discussion will increase neighbor tranquility. Chair Paolillo thanked Mr. Wheeler and Ms. Sarno.

The Board took at brief recess at 10:00 A.M.

The Board returned to Open Session at 10:04 A.M.

Discussion and Vote on Annual and Special Town Meeting Warrant Articles

Chair Paolillo reviewed the Warrant for the Special Town Meeting for June 8, 2016. He read Article 1, Accept Conveyance from the Commonwealth of Massachusetts For Recreation, Public Works, or Other Municipal Purposes Chapter 11 of the Acts of 2014.

The Board moved: To recommend favorable action
The motion passed unanimously (3-0).

ATM Article 8 – Salaries of Elected Officials

The Board moved: Favorable action on Article 8
The motion passed unanimously (3-0)

ATM Article 9 – Enterprise Funds for Water and Sewer and Stormwater Services

The Board moved: Favorable action on Article 9
The motion passed unanimously (3-0)

ATM Article 10-FY17 Budget Appropriation

The Board moved: Favorable action on Article 10
The motion passed unanimously (3-0)

ATM Article 11- Transfer Funds to General Stabilization Fund

The Board moved: To recommend favorable action on Article 11
The motion passed unanimously (3-0).

ATM Article 12 – Authorization to Transfer Balances to Fund the FY17 Budget

The Board moved: To recommend favorable action on Article 12
The motion passed unanimously (3-0).

ATM Article 13-Authorization for Up-Front Funds for Chapter 90 Highway Improvements

The Board moved: To recommend favorable action on Article 13
The motion passed unanimously (3-0).

ATM Article 14-Appropriation of Capital Expenditures

The Board moved: To recommend favorable action on Article 14
The motion passed unanimously (3-0).

ATM Article 15-Appropriation of Other Post-Employment Benefits (OPEB) Stabilization Fund

The Board moved: To recommend favorable action on Article 15
The motion passed unanimously (3-0).

ATM Article 16-Authorization for Revolving Funds

The Board moved: To recommend favorable action on Article 16
The motion passed unanimously (3-0).

ATM Article 17-Underwood Pool Project Borrowing De-Authorization and Appropriation of Bond Premiums

The Board moved: To recommend favorable action on Article 17
The motion passed unanimously (3-0).

Article 18 was withdrawn. The Board has previously voted on Article 19. Chair Paolillo briefly reviewed the schedule for Town Meeting and Special Town Meeting. He then suggested the BOS meeting agenda for 6/6 be revised to allow time for the Board to meet with the Warrant Committee.

Town Administrator's Report

Town Administrator Kale summarized a letter which was received from the Department of Public Safety Architectural Access Board. This letter was a notice of amended decision of the Board for the Waverly Commuter Rail Station. Town Administrator Kale continued that the Architectural Access Board has granted a time variance for Waverly Station to be brought into full compliance with all applicable sections of 521 CMR by June 1, 2026.

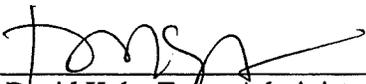
Town Administrator Kale reported that a rain date has been set for the Memorial Day ceremonies. On Saturday, June 18 at 10:00am a modified Memorial Day ceremony will be held at the Belmont Cemetery should the weather be an issue the ceremony will move to the library.

Town Administrator Kale reported that the DOT, DCR and MBTA will be contacted and asked to provide input into any potential issues related to the Community Path Feasibility Study. Selectman Williams asked if other bids were opened for the Community Path Feasibility Study RFP (Request for Proposal). Assistant Town Administrator Marshall reviewed the RFP process.

NEXT MEETINGS:

Monday, June 6, 2016 at 6:00p.m.

The Board moved to adjourn the meeting at 10:27 a.m.



Mr. David Kale, Town Administrator