

**TOWN OF BELMONT  
PLANNING BOARD**

**MEETING MINUTES  
MARCH 26, 2013**

RECEIVED  
TOWN CLERK  
BELMONT, MA.

OCT 11 8 41 AM '13

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

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

**7:05 p.m. Public Hearing – Demolition Delay General By-Law**

Mr. Battista read the notice of the Public Hearing.

Mr. Baghdady reported that the Historic District Commission (HDC) produced a draft By-Law that includes a one year delay and a list of 214 properties deemed to have historical significance. The Planning Board's draft reduced the delay time to 9 months and included a provision that would allow property owners to 'opt out' and take themselves off the demolition delay list. Michael Smith, Chair of the HDC, and Mr. Baghdady are working toward submitting a joint draft of the By-Law that would reduced the delay to 6 months for residential properties and eliminate the 'opt out' provision.

Ms. Allison observed that a number of properties on the HDC's list were not on the National Register of historic properties, and wanted to know under what criteria the list was formulated. Mr. Smith stated that 700 properties were on the Massachusetts Historical Commission's list and the HDC had checked to see which properties had Individual Inventory Forms (the forms explained the historical significance of the property.) The properties with those forms were placed on the list. He stated that the HDC would be requesting CPA money to update the list. He hoped to move quickly on this matter since fifteen buildings on the list have been torn down already.

Mr. Baghdady raised the issue of whether municipal buildings should be subject to the demolition delay. Mr. Smith suggested adding language to the By-Law which would trigger the demolition delay on municipal buildings when the Selectmen announce that such a building is going to be sold or demolished. Ms. Allison urged careful consideration on the treatment of municipal buildings. There was a discussion about the language proposed by the HDC. There was a consensus that the approach proposed by the HDC for municipal properties raised many other collateral issues and would not be preferred.

Comments from the Audience:

1. Fred Paulson, 90 School Street, wanted clarification regarding the 'opt out' provision and if it applied to residential properties only or to commercial and religious buildings as well. Mr. Baghdady responded that it was only for residential properties. He explained that the 'opt out' provided for a one time removal of the property from the list. The provision was inserted to ensure passage of the By-Law at Town Meeting in light of concerns by residential property owners.

2. Anne Paulsen, 90 School Street, asked what if a property owner wanted to 'opt in' order to protect their house. Mr. Baghdady responded that the Planning Board would support anyone who wanted to 'opt in'. Mr. DeStefano suggested that a deed restriction could be placed on their property to prevent demolition. Mr. Smith also suggested having the house designated as an Historic District.
3. Chris Starr, owner of the properties associated with the Cushing Village development, asked if any of the properties in Cushing Village were on the list. Mr. Smith responded that the S.S. Pierce Building was on the list, but it was exempted. Mr. Baghdady added that the agreement with the HDC was that the buildings within the Cushing Village development would be removed from the list.
4. Judith Ananian Sarno, 30 Waverly Terrace, asked if the car dealership on South Pleasant Street had been removed from the list. Upon finding out it was exempt, she asked how to get it back on the list. Mr. Smith stated that there would be a public hearing and that the HDC will work with the developer to preserve the building.
5. Tomasina Olson, 10 Bay State Road, stated there were inconsistencies in the process that confused her. Mr. Baghdady noted that the inconsistencies needed to be addressed.

Mr. Battista stated that he liked the 'opt out' provision from a property rights perspective. He added that the 6 month time-line was a good choice and felt that the shorter amount of time for the delay would make the process easier. Mr. Clark liked the 6 months without the 'opt out' and Mr. DeStefano agreed. Mr. Baghdady suggested that there be further clarification on the issues which have been raised before the public hearing is closed.

**Moved by Mr. Clark to continue the public hearing on the Demolition Delay By-Law to Tuesday, April 9, 2013 at 7:00 p.m. Seconded by Ms. Allison. Motion passed unanimously.**

**8:20 p.m. Public Hearing – Inclusionary Housing Zoning By-Law Amendment**

Mr. Battista read the notice of the Public Hearing.

Mr. Baghdady noted that he has been working with Alisa Todreas, Chair of the Belmont Housing Trust, and they both agree that the current version of the By-Law is more clear and easier to implement. He explained that the trigger when affordable housing would be required is every 5<sup>th</sup> dwelling unit. He added that to encourage mixed use development, the percentage of required affordable housing was reduced.

Ms. Todreas felt that the proposed By-Law did not need any additional substantive changes. It is a true compromise. Mr. Clark gave his congratulations for work well done. He stated that affordable housing is a civic good that ought to be encouraged. Mr. DeStefano questioned the calculations used to determine the trigger. Discussion ensued about the methods of calculations and what happens when the math yields fractional units.

Comments from the Audience:

1. Chris Starr, owner of properties associated with the Cushing Village development, wanted to make sure that the proposed Inclusionary Housing By-Law would be consistent with the Cushing Square Overlay District By-Law. He was curious as to the thinking behind a payment in lieu of affordable units. Mr. Baghdady explained that the intent is to increase the number of affordable units. He added that this option is not available for rental units.
2. Phillip Notopoulos, 48 Fairmont Street, made some drafting suggestions.
3. Judith Ananian Sarno, 30 Waverley Terrace, asked if a single family home were torn down and two connected townhouses were put up on the lot, would this fall under the Inclusionary By-Law. Mr. Baghdady stated that this would not.
4. Mr. Starr asked for clarification on what contiguous parcels meant. He asked if the S.S. Pierce Building and the old CVS building in Cushing Square would be considered contiguous. Mr. Baghdady said they would be contiguous once the portion of Horne Road between those two properties is discontinued as a public way.

It was agreed to continue the public hearing.

**Moved by Mr. Clark to continue the public hearing on the Inclusionary Housing By-Law to April 9, 2013 at 7:00 p.m. Seconded by Ms. Allison. Motion passed unanimously.**

The Board took a brief recess. The meeting was called back to order at 9:15 p.m.

**9:15 p.m. Continued Public Hearing – Religious and Municipal Building Preservation Zoning By-Law Amendment**

Mr. Baghdady proposed several changes to the By-Law as a result of the previous public hearing. Several of the criteria will be eliminated to make the By-Law easier to implement. He also proposed granting as an incentive the ability to modify the inclusionary housing requirements.

Alisa Todreas, Chair of the Belmont Housing Trust, noted her objection to modifying the inclusionary housing requirements, arguing that the language weakens the Inclusionary Housing By-Law. She felt that it did not make sense and it confused the issue and went against what both committees have spent months revising. Mr. Battista stated that the bottom line was the preservation of historic buildings. Ms. Todreas suggested that there were other ways to encourage development, such as additional density. Mr. Clark suggested changing the language so that the Board 'may modify' the inclusionary housing requirements. Mr. Rojas spoke against using density as an incentive, and felt taking away that financial incentive (i.e. Inclusionary Housing) was a big mistake.

It was agreed to continue the public hearing.

**Moved by Mr. Clark to continue the public hearing on the Religious and Municipal Building Preservation By-Law to April 9, 2013 at 7:00 p.m. Seconded by Ms. Allison, and it passed unanimously.**

**9:45 p.m. Deliberate and Vote on Recommendations to Town Meeting**

**a. Medical Marijuana Moratorium**

Mr. Baghdady stated that the By-Law is in its final form, and that he will work with Mr. Wheeler to develop a PowerPoint presentation for Town Meeting.

**Moved by Mr. Clark to continue the deliberations on the Medical Marijuana Moratorium Zoning Amendment to April 9, 2013 at 7:00 p.m. Seconded by Mr. Baghdady. Motion passed unanimously.**

**Adjourned – 9:45 pm.**