

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
SEPTEMBER 24, 2013**

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8:05 a.m. Meeting called to order.

Present: Michael Battista, Chair, Elisabeth Allison, Vice Chair, Sami Baghdady, Charles Clark, Joseph DeStefano, Karl Haglund; Associate Member, David Kale, Town Administrator; Glenn Clancy, Inspector of Buildings, Jeffrey Wheeler, Liaison to Planning Board

8:05 a.m. Approval of Minutes

The minutes of May 16 and 23, June 5, 11, and 18, and July 9, 2013 were approved.

8:10 a.m. Review and Discuss Demolition Delay General By-Law

Mr. Baghdady provided a brief overview of the background of the development of the By-Law and reviewed the current draft. He mentioned that the initial list has not been reviewed by Town Meeting. Mr. Kale explained his misunderstanding of the development of the list and the appeal process for the buildings that are on the initial list.

Mr. Clark commented that there is nothing objective about the criteria and that any building meets them. He stated that the criteria needs input from the Town as to what they should be. Ms. Allison commented that there is some general skepticism since Belmont is not like surrounding communities which have had significant things happen there. She provided an overview of the development of the Historic District Commission (HDC) and explained that the composition of it is more expansive than in other communities. As she explained, this accounts for her concern about the length and size of the list.

Mr. Haglund stated that the criteria are well established within the historic preservation field and that the 3rd bullet of the criteria is difficult to interpret. He mentioned that this criterion is more reflective of how you look around at buildings within a particular district compared to just what is within the Town. He argues that the process of generating a list is not going to work.

Mr. Kale reviewed the timing of the next steps and scheduling in the development of the By-Law. He explained that the plan was to have all groups in agreement before the Board of Selectmen sign the warrant for the Special Town Meeting. He questioned how to facilitate this process so that something is supported by all and if not, when would this get known by the other groups involved. Mr. Clancy reviewed the development of the criteria. Ms. Allison relied that these are state criteria that are not necessarily grounded in local concerns. Mr. Kale stated that a determination should be made quickly if more time is needed to work on the By-Law or can tweaks be made to make it more acceptable.

Mr. Clark suggested that one of the criteria should be a specific date. Mr. Haglund stated that the new list funded by the Community Preservation Act (CPA) should be done first before the By-Law is drafted. He suggested that a 3rd party should review the list and that the study should be connected to the By-Law. Ms. Allison commented that the process currently in place invites the development of a huge list. Mr. Clancy wondered whether the demolition delay process is necessary if the list is so complete. Mr. Clark responded that the process needs to be reviewed in order to determine if a delay on demolition is needed. Mr. Baghdady expressed concern that a date specific criteria would capture too many properties. Ms. Allison suggested that 'before 1900' be considered as one of the criteria.

Mr. Kale commented that the frame work of the By-Law exists now the question is in the details. He stated that if the Planning Board is saying that the criteria does not work then it needs to be said and wondered if there was a solution to make the By-Law work. Mr. Clark stated that it is not the best practice to rush into something in reaction to something that no one likes. Mr. Battista commented that the demolition delay is too broad and the process should be voluntary. Mr. DeStefano stated that the list created by the HDC is not specific enough and that the list needs to be reviewed further. He also agreed that one of the criteria should include a date specific. Mr. Kale commented that the Cambridge process uses a specific date.

Mr. Baghdady stated that part of the problem with the criteria is that a property owner cannot determine on his own if they are on the list and agreed that a date specific criteria would help. He argued that there are two issues: 1. the criteria needs to be more focused; 2. people on the list should have a meaningful process. Mr. Haglund responded that the list is still not accurate. Mr. Baghdady questioned whether Town Meeting can single out one property. Mr. Haglund replied that it would put the Board of Selectmen in a vulnerable position. He suggested putting off the By-Law until after the study has been complete, including a 3rd party review of it and a public process to see who is on the list. Mr. Kale questioned why a review of the list is needed. Ms. Allison responded that it is at the sole discretion of the HDC to remove a building from the list and that the existing structure of the By-Law invites some problems. Mr. DeStefano agreed that the By-Law should wait until the CPA funded list is done.

Mr. Kale stated that it would be good to meet on Friday with the Board of Selectmen and the HDC to communicate the Board's concerns. Mr. Baghdady suggested that Mr. Haglund, who had experience with the criteria, should attend this meeting.

Ms. Allison suggested adding a sunset provision to the By-Law. Mr. Baghdady agreed and added that the amendment process would be removed from the By-Law as well. Mr. Kale stated that this would give the Town an opportunity to test the By-Law. Mr. Baghdady added that a meaningful appeals process needs to be added to the By-Law. He suggested some alternative language for the criteria. Ms. Allison added that these would be interim criteria for the appeals process. The Board agreed with Mr. Baghdady's suggested changes to the criteria and that the sunset provision should be June 30, 2015

9:50 a.m. Review and Discuss Citizens Petition Demolition Moratorium

Mr. Battista mentioned that he and Mr. DeStefano will meet with the citizens group to hear what suggestions they have to address their concerns. He mentioned that the list of concerns presented by the citizens will be the basis for the Board's discussions.

9:55 a.m. Brief Discussion about Upcoming Applications

Mr. Clancy provided background on the stormwater management system at the Woodlands housing development. He mentioned that changes need to be made to the system since it impacts the McLean Hospital and the Housing Authority properties. He stated that there are two issues: 1. changes to be made to the stormwater management system and meeting the conditions of the Site Plan Approval.

A brief discussion ensued to determine if these changes were minor or major. The Board agreed that these changes appear major and therefore a public hearing will be scheduled accordingly once a complete application is filed with the Town.

10:05 a.m. Adjournment