

Minutes of the **By-Law Review Committee** meeting held
May 16, 2013
7:30 PM

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Board of Registrars Conference Room, Town Hall, 455 Concord Avenue

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, Ellen O'Brien Cushman (ex-officio)

Other attendees: Bob McGaw, Liz Allison and Joe DeStefano from Planning Board

Agenda:

Annual Town Meeting Articles

Demolition Delay:

The text of the proposed By-Law continues to evolve. Many of the changes suggested by the By-Law Review Committee have been discussed and incorporated by the sponsoring groups, Historic District Commission and Planning Board, however there are many points of contention:

35.4.2 (7) Choices offered by the Historic District Commission to move to Town Meeting, or Historic District Commission (HDC) or Board of Selectmen or a combination. Committee feels that Town Meeting is a legislative process, decisions should move to Board of Selectmen to ratify the HDC decision, not the Town Meeting. This is more a policy decision as well as a form and placement decision.

The Committee members expressed concern that the Committee's charge in the By-Laws is to recommend as to form and placement. In this case, the Committee has made a recommendation that others involved in the politics of the article are saying will have a hard time passing. That isn't and should not be a focus of the work of the Committee.

Ray and Charles are participating in a group review of the Demolition Delay proposal along with the Town Administrator's office, members of HDC, Planning Board. One of the key points of contention is above, and where any appeal could occur, judicially or locally through Town Meeting or Board of Selectmen. Ray reported that there are seven separate versions of the first sentence of 35.4.2. Many drafts are in process – they will inform the Committee when a final version is ready for review and vote.

Special Town Meeting – Stormwater new Amendment

The Committee reviewed a new amendment to the Stormwater By-Law that came to the Town's attention at the Annual Town Meeting discussion.

Original motion To amend the main motion of item 2 under Article 10 by deleting the sentence that begins "Activity on lots with one, two or three...Sections 34.4 and 34.6" and replacing it with the following sentence:

"Alterations on lots with one, two or three dwelling units existing as of the effective date of this Article shall be exempt from Sections 34.4 and 34.6, except for Alterations associated with the Substantial Demolition of such dwelling unit(s) and Alterations thereafter on the same lot."

Revised Motion: That the Town amend Article 34 of the Town Bylaws, Stormwater Management and Erosion Control Bylaw, which article was added to the Town Bylaw pursuant to Article 23 of the Annual Town Meeting on May 8, 2013, as follows:

1. Amend Section 34.2 by adding, after the definition of "Stormwater Management Standards," the following definition:

"SUBSTANTIAL DEMOLITION – The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot."

and;
2. Amend Section 34.6.2 (Exempt Activities) by replacing the first sentence with the following:

"Activity on lots with one, two or three dwelling units existing as of the effective date of this Article, except for activity on any such lot associated with the substantial demolition of such dwelling unit(s) and activity on such lot thereafter, shall be exempt from Sections 34.4 and 34.6."

And further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the General Bylaws of the Town of Belmont.

The revised motion was voted Unanimously.

Special Town Meeting Articles – Recodification of General By-Laws with General Code

Ellen reported that Town Meeting Members have been distributed a link to the renumbering, reorganization and internal reference redline document for the General By-Laws relating to article 3. The document consists of 105 pages. Only the derivation maps and motions have been distributed to Town Meeting Members.

The Committee asked Ray to present the recodification articles at Town Meeting. All other members will be present for supporting comments as required.

Minutes of April 24, 2013 meeting were approved unanimously

Meeting adjourned at 9:12 PM

Respectfully submitted,
Ellen O'Brien Cushman