

Minutes of the **By-Law Review Committee** meeting held  
**March 13, 2013**  
**7:30 PM**

RECEIVED  
TOWN CLERK  
BELMONT, MA

2017 AUG 17 PM 5:12

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

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

Others attending: Jeffrey Wheeler, Planner Office of Community Development, Police Chief Richard McLaughlin.

Agenda:

Annual Town Meeting Articles –

15.12.1 Historic District, Richardson Farm

Unanimous Vote on language, form and placement as included in the warrant as renumbered and added "on file with the Town Clerk".

Demolition Delay

Recommended edits were provided by the Committee and discussed with Jeffrey Wheeler. The topic was then tabled, no vote on final language. Also, Severability clause will be reworked – Ray will provide Jeffrey with the exact language so it matches the rest of the By-Laws.

General comments by members of the Committee - "how do you get off the list?" "Is it a one time approval for the entire property?" . 30 day period to get off the list seems too short to allow people. The Committee asked Ellen to email Historic District Chair Mike Smith with these comments and ask him to attend the next meeting.

Electronic Voting – (was already voted but unanimously endorsed with the revised language from February 13 meeting.) No additional amendments or edits were received.

Capital Budget Report – This is a delete and replace because it's so simple.  
Unanimous Vote with changes, document attached.

Police Chief 4.8.2 – this topic was not included in the posting because Chair and Clerk were unaware that this article was coming. Edits to remove "subject to the approval of the Selectmen" and reorganization.  
Unanimous vote with changes, document attached.

General Code Update

27.5.7 with newsracks, not enforcement –

For Moderator, School Committee, Assessors, these should be labeled as Reserved because not yet written, anticipated in the future.

Unanimous vote of General Code Draft showing chapters, articles, sections as distributed.

Minutes of February 27, 2013 were approved unanimously

Next meeting March 25<sup>th</sup> at 7:30 to enter final phase of preparation for Town Meeting

Meeting adjourned at 10: 55 PM

Respectfully submitted,  
Ellen O'Brien Cushman

EDITS of  
By-Law Committee  
3-13-13.

**ARTICLE 34**  
**Demolition Delay**

(Planning Board Draft March 7, 2013)

**34.1 Intent and Purpose.**

This Article is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this Article, owners of Preferably Preserved Buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such Buildings; and residents of the Town are alerted to impending demolitions of Significant Buildings. By preserving and protecting Significant Buildings, this Article promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Article.

**34.2 Definitions.**

For the purposes of this Article, the following terms shall have the following definitions:

- (a) **APPLICANT** – Any person or entity that files an Application for a demolition permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate on or with the Application his/her assent to the filing of the Application.
- (b) **APPLICATION** – An Application for a Demolition Permit, including the information required in Section 34.3.2.
- (c) **BUILDING** – Any structure used or intended for supporting or sheltering any use or occupancy.
- (d) **COMMISSION** – The Belmont Historic District Commission.
- (e) **DEMOLITION** – Any act of pulling down, destroying, removing, dismantling, or razing a Building or commencing the work of total or substantial destruction with the intent of completing the same.
- (f) **DEMOLITION PERMIT** – The permit required by the Inspector of Buildings for Demolition or substantial Demolition of a Building, excluding a permit required solely for the Demolition of the interior of a Building.

- (g) INSPECTOR OF BUILDINGS – The person authorized by law to issue Demolition Permits within the Town of Belmont.
- (h) INVENTORY – The ~~attached~~ list entitled *Belmont's Significant Historic Buildings Not Protected By Local Historic District Designation*, ~~which list~~ <sup>as it</sup> may be amended <sup>pursuant to</sup> by the procedures outlined in Section 34.4.2 of this Article. The Inventory shall be ~~kept by the Commission and~~ shall be available to the public.
- (i) PREFERABLY PRESERVED BUILDING – Any Significant Building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such Building to be preserved rather than demolished.
- (j) SIGNIFICANT BUILDING – A Building ~~on property~~ that is listed on the Inventory.

which list shall be kept on file with the Town Clerk

### 34.3 Procedure.

34.3.1 No Demolition Permit for a Significant Building shall be issued without following the provisions of this Article 34.

34.3.2 An Applicant proposing to demolish a Significant Building shall file with the Inspector of Buildings an Application containing the following information:

- The address of the Building to be demolished;
- The owner's name, address and telephone number;
- A description of the Building;
- The reason for requesting a Demolition Permit;
- A brief description of the proposed reuse, reconstruction or replacement; and
- A photograph or photographs <sup>5</sup> of the Building and photographs of neighboring Buildings.

34.3.3 The Inspector of Buildings shall, within seven (7) calendar days of receipt of such Application, forward a copy thereof to the Commission.

34.3.4 After receipt of the Application, the Commission shall hold a public hearing within thirty-five (35) calendar days to determine if the Significant Building is a Preferably Preserved Building. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting

→ Open Meeting Law

Remove "Calendar" throughout

notices posted in Belmont under the Open Meeting Law, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) calendar days prior to the date of said hearing, and the Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place no less than fourteen (14) calendar days in advance.

→ 34.3.5 Within ten (10) days of the first date of such Public Hearing the Commission shall provide written notification to the Inspector of Buildings and the Applicant as to its determination of whether the Building is Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a later date. If the Commission does not notify the Inspector of Buildings and the Applicant of its determination in writing within ten (10) calendar days of the first date of such Public Hearing, or such later date as agreed by the Applicant, then the Inspector of Buildings may issue the Demolition Permit. *significant*

34.3.6 If the Commission determines that the Building is not a Preferably Preserved Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit. *significant.*

34.3.7 If the Commission determines that the Building is a Preferably Preserved Building, a Demolition Permit may thereafter be issued no sooner than nine (9) months after the date that the Application was filed with the Inspector of Buildings, unless a shorter time is otherwise authorized by the Commission based on its finding that the intent and purpose of this Article, as provided in Section 1 hereof, will be adequately served. *significant*

#### 34.4 Administration.

34.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article.

34.4.2 The Commission may ~~add properties to the Inventory by obtaining a majority vote of approval of Town Meeting.~~ *by vote of its members* ~~The Commission shall hold a public hearing at least thirty (30) days prior to Town Meeting. Owners of record of Buildings proposed for such listing shall receive written notice of the time and place of such public hearing no less than fourteen (14) days in advance thereof. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting notices posted in Belmont under the Open Meeting Law, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) calendar days prior to the date of said hearing.~~ *that buildings it determines to be historically significant affect a public hearing held*

#### 34.5 Responsibility of Owners.

34.5.1 The owner of a Significant Building who has applied for a Demolition Permit shall:

→ The Commission may, *or remove* by vote, add Buildings to the Inventory if determined to be historically significant after a public hearing held at least 30 days prior to such vote.

Hearing?

- Provide such information as is reasonably requested by the Commission in connection with its consideration of whether the Building is a Preferably Preserved Building;

- Allow exterior access to the property as reasonably requested by the Commission;

- Secure the ~~premises~~, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;

- Participate in the investigation of preservation options for a Preferably Preserved Building; and

- Cooperate with the Commission and any interested parties in seeking alternatives to the ~~Demolition~~ of a Preferably Preserved Building.

34.5.2 If the owner of <sup>a</sup> Significant Building fails to secure <sup>the</sup> the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of ~~such~~ Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this Article.

#### 34.6 Emergency Demolition.

34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate Demolition in accordance with applicable law of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a Significant Building is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its designee shall be allowed to accompany the Inspector of Buildings during the inspection of ~~such~~ <sup>the</sup> Building.

34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a Significant Building, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

#### 34.7 Enforcement and Remedies.

34.7.1 The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Article or to prevent a threatened violation thereof.

34.7.2 Any owner of a Significant Building which is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such

Significant

on which the Significant Building is located

Significant Building

Jeff will ask the T.A. if Bos or T.A. should decide.

significant  
violation exists shall constitute a separate offense until a faithful restoration of the demolished Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.

34.7.3 If a Significant Building is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, no building permit authorizing construction on the lot on which the Building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition, unless agreed to by the Commission.

#### 34.8 Opportunity for Removal.

34.8.1 Owners of residential properties will have a single opportunity to be removed by written reply mailed or delivered to the Commission (an "Opportunity for Removal") from the protective status of this Article 34 as follows:

- move to 34.4
- i. The Commission ~~will~~ <sup>shall</sup> notify each residential property owner listed on the Inventory by certified mail within six (6) months of the ~~passage~~ <sup>effective date</sup> of this Article ~~by Town Meeting~~, and such property owner shall be afforded an Opportunity for Removal within thirty (30) days of receipt of such notice;
  - ii. To the extent any residential properties are added to ~~the National Register or~~ to the Inventory, the Commission shall deliver notice thereof to each residential property owner affected thereby by certified mail within six (6) months of said property being added to ~~the National Register or~~ <sup>the</sup> Inventory and such property owner shall be afforded an Opportunity for Removal within thirty (30) days of receipt of such notice; and
  - iii. Such notification will describe the effect of this Article and permit such property owner the opportunity to notify the Commission that ~~they~~ wish to have their property removed from its status as a Significant Building.

Not good form.  
No Standard for Removal  
Adding?

ADD -  
take off  
Add Back on  
can't take off

## **TOWN OF BELMONT 2013 ANNUAL TOWN MEETING**

### **ARTICLE 16: CAPITAL BUDGET COMMITTEE REPORTS**

**MOVED:** That the Town amend Article 13 of the General By-Laws of the Town of Belmont by deleting Section 13.3 and replacing it with the following:

“13.3 The Capital Budget Report shall be submitted to the Town Clerk in sufficient time to be distributed to Town Meeting Members at least 14 days prior to the commencement of the session at which the Capital Budget is to be considered. The report shall be available in the Town Clerk’s office for distribution to the public. The report shall also be included in the Annual Town Report.”

And further that the By-Law Review Committee may approve nonsubstantive changes to the numbering of this By-Law in order that it be in compliance with the numbering format of the General By-Laws of the Town of Belmont.



**Town Meeting Article \_\_\_\_**

**Amendment to the General By-Laws – Chief of Police**

- 4.8.2 As provided in Chapter 376 of the Acts of 2010, there shall be a Police Chief appointed by the Board of Selectmen who shall have and exercise all the powers and discharge all the duties conferred by law generally upon police chiefs. The Chief shall appoint such police officers as the Chief deems necessary, and may remove the same at any time for cause after a hearing. The Chief shall have full and absolute authority in the administration of the Police Department, shall make all rules and regulations for its operation, shall report to the Board of Selectmen from time to time as the Board may require, and shall annually report to the Town the condition of the Department with the Chief's recommendations thereon. The Chief shall fix the compensation of the all members of the Department, subject to the approval of the Board of Selectmen. The Chief shall be in immediate control of all Town property used by the Department, and of the police officers, whom the Chief shall assign to their respective duties and who shall obey the Chief's orders.

**Part 1 General By-Laws** (showing existing By-Laws) new sections are in yellow highlight. At this time it's not clear if these articles will be ready for adoption at Town Meeting. Note: 20.15 has been repeated for each of the applicable sections:

Formatted: Highlight

## **Chapter 10 General Provisions (Article 1)**

## **Chapter 20 Elected Officials**

- Article 1 Moderator (Reserved) new article
- Article 2 Town Clerk (Article 5)
- Article 3 Town Treasurer (Article 6)

## **Chapter 30 Town Meetings (Article 2)**

## **Chapter 40 Boards, Commissions and Committees**

- Article 1 Boards, Commissions and Committees (Article 3)
- Article 2 Elected Boards, Commissions and Committees
  - Section 200 Board of Selectmen (Article 4)
  - Section 210 School Committee (Reserved) new article
  - Section 220 Board of Assessors (Reserved) new article
  - Section 230 Board of Cemetery Commissioners (Article 10)
  - Section 240 Board of Health (Article 8)
  - Section 250 Trustees of the Public Library (Article 9)
- Article 3 Boards and Commissions Appointed By the Board of Selectmen
  - Section 300 Conservation Commission (Article 29)
  - Section 310 Council on Aging (Article 14)
  - Section 320 Disability Access Commission (Article 31)
  - Section 330 Historic District Commission (Article 15)
  - Section 340 Planning Board (Article 17)
  - Section 350 Recreation Commission (Article 18)
  - Section 360 Water Advisory Board (Article 7)
- Article 4 Other Appointed Committees
  - Section 400 By-Law Review Committee (Article 25)
  - Section 410 Capital Budget Committee (Article 13)
  - Section 420 Community Preservation Committee (Article 33)
  - Section 430 Permanent Audit Committee (Article 16)
  - Section 440 Permanent Building Advisory Committee (Article 12)
  - Section 450 Warrant Committee (Article 19)

## **Chapter 50 Position Classification and Compensation Plan (Article 11)**

**Chapter 60 Public Health, Safety, Welfare and Environmental Protection**

**Article 1 Alcohol, Tobacco and Firearms**

Section 100 Alcoholic Beverages (§§ 20.9 – 20.10 and 20.15 for 20.9)

Section 110 Tobacco Products (§20.14)

Section 120 Discharge of Firearms (§20.8)

**Article 2 Animals**

Section 200 Pets and Other Animals (§20.11 – 20.11.16)

Section 210 Kennels (Article 28)

**Article 3 Buildings and Construction**

Section 300 Alarms (Article 24)

Section 310 Emergency Personnel Communication Facilitation (§20.13 and 20.15 for 20.13)

Section 320 Stretch Energy Code (Article 32)

Section 330 Trench Safety (§§20.7 – 20.7.2 and 20.15 for 20.7)

Please This will also include a reference to the Noise By-Law, that is Article 6

**Article 4 Door-to-Door Solicitation and Canvassing (Article 30)**  
~~§30.1 – 30.8, 30.10 – 30.11~~

**Article 5 Flammable Fluids, Solids and Gases (Article 22)**

**Article 6 Noise (Article 23) §§23.1 – 23.8, 23.11)**

**Article 7 Recycling Program (Article 26)**

**Article 8 Streets and Sidewalks**

Section 800 Public Ways, Sidewalks and Rights of Way (§§20.1 – 20.6, 20.12 - 20.12.6 and (20.15 for 20.1, 20.2, 20.4.1 20.5.1 and 20.12))

Section 810 Vehicles and Parking (§§21.1 – 21.7-§21.6.2)

Section 820 Newsracks (Article 27)§§27.1 – 27.5.6, 27.5.7 27.7)

**Article 9 Enforcement (§§20.15, 21.7, 23.9 – 23.10, 24.17 –**

**27.6.1 – 27.6.4, 30.9)**

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.25", Tab stops: Not at 0"

**APPENDIX – Table of fees, fines and penalties**

**Part 2 Zoning By-Laws – will not be done at this time**

