

Approved by Select Board:
January 18, 2024

Minutes of the
Town of Belmont
REGULAR SESSION
of the
SELECT BOARD
October 30, 2023

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: January 23, 2024
TIME: 10:36 AM

To view the recording of the meeting, please click [HERE](#).

I. Call to Order: Mr. Epstein called the meeting to order at 7:00pm.

Select Board Members	Present	Staff Members	
Roy Epstein, Chair	Yes	Patrice Garvin, Town Administrator	Yes
Elizabeth Dionne, Vice-Chair	Yes	Jennifer Hewitt, ATA/Finance Director	Yes
Mark Paolillo, Member	Yes	Chris Ryan, Director, Building & Planning	Remote
Others Present		James MacIsaac, Police Chief	Yes
Felix Firenze, Belmont Lions Club	Yes	Ara Yogurtian, Office of Building & Planning	Remote
Kimberly Haley-Jackson, Chair, Belmont HRC	Remote	David DeStefano, Fire Chief	Yes
Mina Makarious, Anderson & Kreger, Town Counsel	Remote	Leslie Davidson, Treasurer/Collector	Remote
Angus Abercrombie, TMM	Yes		
Taylor Yates, Planning Board & Vision 21	Remote		

II. COMMUNITY ANNOUNCEMENTS. Chair Epstein made the following announcements:

- Pumpkins & Pennies Compost Collection Event, November 4, 2023, 11:00 AM – 2:00 PM
- Veterans Day Events, Wednesday November 8, 2023 at 10:00am.

III. COMMENTS FROM TOWN RESIDENTS

- Ron Sacca spoke about:
 - comfort dogs and his idea to create a pet cemetery and dog park at the incinerator site.
 - the Town recognizing Camella **Areana** for cleaning the tombstones of veterans at the cemetery.
 - the 100th anniversary for the **war memorial** monument and the 100th anniversary of the Thanksgiving football game being this year rather than 2 years ago when it was celebrated at Fenway Park.
 - asked for an update on the Board resuming office hours during the day.

IV. TOWN ADMINISTRATOR'S REPORT.

Ms. Garvin reported that the 4th Annual Trick or Treating Event was held in Town Hall, and she shared a photo of the event.

V. ACTION B CONSENT - None

Discussion and possible vote on participation in the Mystic Regional Emergency Planning Committee

Chief DeStefano explained the role of the Local Emergency Planning Committee (LEPC) and his wish to rejuvenate this group and what activities it would be involved in.

He then explained the role of the Mystic Regional Emergency Planning Committee (MREPC), with the annual cost of membership being \$300.00. He explained that they are not a response agency, but rather an education and networking tool for the various local emergency planning committees.

Mr. Epstein asked who could be a member of the LEPC, and Chief DeStefano said anyone could, but they want to include police, fire, press, Town staff, various organizations, and residents.

There was a discussion of the makeup and size of the LEPC, as well as their activities.

Chief DeStefano then explained what needed to be done to join the MREPC, and that he and Assistant Chief Tobio would represent Belmont. There was a discussion of both organizations and their activities and interactions.

A motion was made to approve membership in the Mystic Regional Emergency Planning Committee and to approve signing several letters to the MREPC. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and possible vote to approve request from Paul Madden on behalf of the Belmont Lions Club for a one-day liquor license (all alcohol) for a 75th Anniversary Celebration at the Beech Street Center on November 18, at 6:00 PM

Mr. Firenze outlined the plans for their 75th Anniversary Party.

A Motion was made to approve the request from Paul Madden for a one-day liquor license (all alcohol) for a 75th Anniversary Celebration of the Lions Club at the Beech Street Center, Saturday, November 18, 2023 from 6:00 PM – 11:00 PM. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and possible vote to approve request from Belmont Lions Club to exclude parking in front of the Lions' Clubhouse, 1 Common Street, and to use the War Memorial Delta from Friday, November 24 to Sunday, December 24 for the purpose of conducting their annual Tree & Wreath Sale

Mr. Firenze said it is the Lions 66th year selling Christmas Trees and outlined the parking needs of the sale, and added that the arrangement will be the same as last year. Mr. Firenze shared some of the work the Lion's Club does.

A Motion was made to approve the request from the Belmont Lions Club to exclude parking in front of the Lions' Clubhouse and to use the War Memorial Delta from Friday, November 24 to Sunday, December 24 for the purpose of conducting their Annual Tree & Wreath Sale. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and possible vote to approve request from Belmont Religious Council and Belmont Human Rights Commission to use the Town Green for a Broken Hearts for Peace and Healing Vigil on Sunday, November 5, 2023 from 5:00 – 6:30 PM

Ms. Haley-Jackson explained the goals of and plans for the vigil. She explained that the event will be about 30 minutes, with no signs allowed (the remaining time requested is for setup and breakdown).

A Motion was made to approve the use of the Town Green on Sunday, November 5, 2023 from 5:00 to 6:30 PM for a Broken Hearts for Peace and Healing Vigil.

Discussion and possible vote to close Leonard Street from Channing Road to Alexander Avenue for the Annual Holiday Tree Lighting Ceremony hosted by the Belmont Center Business Association on Thursday, November 30, 2023 from 5:45 PM – 8:00 PM

A Motion was made to approve the request from the Belmont Center Business Association to close Leonard Street from Channing Road to Alexander Avenue for the Annual Holiday Tree Lighting Ceremony on Thursday, November 30, 2023 from 5:45 PM to 8:00 PM. The motion was seconded and passed unanimously by 3-0 vote.

Discussion of Special Town Meeting (STM) Warrant Articles

- a. Article 3 – Transfers to Stabilization Funds: Ms. Hewitt recommended that the previously discussed amounts of \$727,500 for each fund be included in the article.

A Motion was made to include in Warrant Article 3 Transfers to Stabilization Funds the amount of \$727,500 for the Capital Stabilization Fund and \$727,500 for the General Stabilization Fund. The motion was seconded and passed unanimously by 3-0 vote.

Mr. Paolillo asked if there was any significant debate about this article at the Warrant Committee meeting, and Mr. Epstein explained that once it was understood how the funds became available this use was unanimously supported.

- b. Article 5 – Replace General Bylaw §60-130 with Specialized Energy Code: Ms. Garvin explained that Towns have 3 options for energy codes: Base, Stretch, and Specialized. She then explained the history and components of each code highlighting that Belmont is currently in the Stretch Code category since they are considered “green”. The Specialized Code is “net-zero” and abandons fossil fuels in new construction. The article asks the Town to move from the Stretch Code to the Specialized Code. She reminded the Board that they previously decided to wait until January 1, 2025 to implement this code if it passes at Town Meeting.
- Mr. Makarious provided more details about the Specialized Code saying it is designed to push the State toward the 2050 Net Zero Standards, He then outlined other details of the Stretch Code based on building size and use.
- There were questions and discussion about the various codes and the impacts of opting into the Specialized Code, especially the definition of a major renovation.
- Mr. Ryan spoke about the possible impacts of this change on development in Belmont, and pointed out that there is a lot of assistance from the State to counter this concern. However, the impact of the change to the Specialized Code is still somewhat unclear.
- Mr. Yogurtian addressed questions about buildings retaining water (and possibly creating mold).
- Mr. Epstein asked how many single-family teardowns/rebuilds there are in town annually, and Mr. Yogurtian said it is fewer than 20. There was a discussion of this and the impact on such a small number of units.
- Ms. Dionne expressed concern about the impacts on the town’s multi-family affordable housing stock, such as the rebuilding of Sherman Gardens & Belmont Village.
- Mr. Yogurtian pointed out that there are no exemptions or appeals so the Town has to adopt the entire code. He admitted that he doesn’t know what will happen if there is a problem with any particular development.
- Mr. Paolillo said the affordable housing community has expressed concerns about the code as well. He then asked if there was any evidence of negative impact in the communities that have adopted this code. Mr. Yogurtian said the Towns are just starting to implement the code.
- Mr. Epstein asked how much time is given to carry out all the required inspections, and Mr. Yogurtian said they have 30 days to *begin* the inspections. There was a discussion of the different inspection requirements and staff needs for inspections under the Specialized Code, and Mr. Yogurtian said it would take about 3-4 additional hours for a single-family home. Mr. Epstein suggested that the building permit fees might need to be revisited to cover the additional cost of staff time for more complex inspections.
- Mr. Paolillo asked if there was data to show that adopting the Specialized Code would reduce Belmont’s emissions and if so by how much. There was a discussion about this question and unintended consequences, especially around affordable and other multi-family developments.
- The Board discussed how to proceed with the Warrant Article.
- c. Article 6 – Amend Zoning Bylaw(s): Restaurants: Mr. Ryan explained the components of the bylaw change and what changes would be made if approved. The changed bylaw would make all non-formula-based restaurants (i.e. restaurants that are not chains) a by-right use which would no longer require a Special Permit and also expands this use into the General Business Zone. Formula-based restaurants would still require a Special Permit. He explained the history of the suggested bylaws, and that the goal is to increase the potential for restaurant businesses in Belmont.
- Mr. Epstein submitted 3 amendments, and explained the basis for them:
- Amendment 1 is for drafting errors.
 - Amendment 2 is to redefine the threshold for defining a formula-based restaurant from 10 to 50. He chose 50 because there are many local brands that are desirable to Belmont but have more than 10 outlets. He provided some examples of local brands who would be affected by the 10 threshold and explained how he chose the number 50.

Ms. Dionne expressed her concern about the reactions of the boards and committees who researched and wrote the bylaw change recommendation, and if that will jeopardize the Town Meeting two-thirds vote. Mr. Epstein said the Economic Development Committee will be reviewing the amendment later in the week. There was then a discussion of whether the Planning Board should review the amendment. This issue was discussed with the decision to let Town Meeting discuss this.

- Amendment 3 addresses the negative tone of the wording of the article which asserts that formula-based restaurants have an adverse impact on the quality of life. He revised it to refer to potential adverse impacts.

- d. Article 7 – Amend Zoning Bylaw(s): Off Street Parking: Mr. Ryan said this is a simple change that will require one parking space per four seats in a restaurant (it is currently one per 2 seats).

Ms. Dionne spoke about what she had heard about restaurant and parking issues and that this change will help encourage business development in town. These changes illustrate clear problems that have clear solutions and are a good first step in updating Belmont's zoning requirements. She spoke about the current parking requirement and how it requires "relitigating" parking for each new restaurant in town which is a burden and not in line with neighboring communities.

Mr. Epstein expressed his concern that the article does not completely accomplish what the Select Board asked for. He explained that the bylaw defines a parking space as off-street but that there likely were many locations for which requisite off-street parking would not be possible. He then explained that Local Business 3 allows for limited on-street parking spaces but this option does not exist for Local Business 1. He thought the Local Business 3 provision was also too restrictive. He doesn't believe simply changing from 1 space per 2 customers to 1 space per 4 customers is a sufficient solution but including on-street parking in the calculation could be a solution. There was a discussion of this question and possible resolutions.

Mr. Ryan pointed out that when a restaurant is approved by right, it must strictly comply with the requirements of the design and site-plan review process, which could actually make it more difficult to get approval because of this parking issue. The implications of this problem were discussed.

Mr. Yates reviewed the history of how these bylaw change recommendations came to be on this Warrant and what informed their discussions and recommendations.

Mr. Paolillo reviewed the problem, and Mr. Ryan suggested that a restaurant could go to the ZBA and claim hardship, but that is a high bar. There was a discussion of how to proceed and the challenges of doing it in time for the Town Meeting and for including community involvement in a change.

Ms. Dionne emphasized the importance of taking action to increase commercial revenues for the Town in conjunction with a probable override request, and asked if there is time to approve Article 6 and fix the parking problem at the May Town Meeting before a restaurant wants to come to town. This suggestion was well received by the Board and how to do this was discussed.

Mr. Abercrombie asked Ms. Dionne why she believes the amendment he submitted does not solve this problem. He then explained that his amendment exempts restaurants from the off-street parking requirement entirely. Mr. Epstein said that the amendment would solve the problem but would create other problems. This was discussed as well as what would happen if Article 7 was pulled.

Mr. Epstein recommended pulling Article 7, working on alternative language, and resubmitting for the May Town Meeting which was agreed to.

- e. Article 8 – Removal from Civil Service: Police: Mr. Epstein reviewed the recent activities and discussions about this issue. He said he has created a presentation for Town Meeting that includes the comments he heard.

Mr. Paolillo said he believes they have not been clear enough about what Civil Service provides today and what costs, if any, will be incurred if Belmont leaves Civil Service.

Ms. Dionne said she was convinced that leaving is a good idea because the main issue is public safety, not costs, and the hiring problems have only gotten worse while at the same time the Town is asking more and more of the Police Department.

177 Chief MacIsaac explained that Civil Service provides an exam and then clarified what Belmont then does.
178 There was a discussion of the question of costs, explaining the problem to Town Meeting, illustrating how
179 leaving Civil Service will benefit Belmont, and what might have to happen if the vote is to not leave.
180 The Board discussed how to prepare for the discussion at Town Meeting.

181 f. Article 10 – Citizen Petition: Transition from Elected to Appointed Board of Assessors: Mr. Abercrombie
182 explained that this article will be pulled so the issue can be discussed at a Virtual Town Meeting in
183 January. However, he will do a presentation on this issue at the November Town Meeting.

184 Article 11 – Appropriation from Opioid Stabilization Fund: Ms. Hewitt explained that there was an error in the
185 motion for the original vote at the Spring Town Meeting that appropriated the opioid settlement. Article 11
186 corrects the error. She explained why Article appropriates \$18,500

187 There was a discussion of the funds and how they may be used per the terms of the Settlement.

188 Mr. Epstein asked who determines the use of the Settlement funds, and Ms. Hewitt explained that there is a
189 planning group that currently includes the Health, Police, and Fire departments, and town residents. She has
190 also reached out to the faith community. There was a discussion of the makeup of the groups.

191 **FY2025 Budget Update**

192 Ms. Garvin said they are finalizing the Town side of the budget and are working with the Schools on some
193 revenue numbers. There was a discussion on how the process will proceed, including department head
194 meetings.

195 **Discussion and possible vote to approve the sale of Bond Anticipation Notes**

196 Ms. Hewitt said that the Town went out to bid for \$35,680,000 of Bond Anticipation Notes for the rink and the
197 library primarily, and also the balance of expected remaining expenses for the high school. Ms. Hewitt then
198 explained the details of the sale. She explained that these are for one year.

199 *A Motion was made to adopt the vote prepared by Bond Counsel in connection with the sale of the*
200 *Town's Bond Anticipation Notes. The motion was seconded and passed unanimously by 3-0 vote.*

201 The Select Board then signed the documents to adopt the vote.

202 **Discussion of MBTA Communities Advisory Committee work to date.**

203 Mr. Epstein explained the work of the Committee to date, as well as the zoning requirements under the MBTA
204 Communities Act (i.e., "3A Zoning"). Mr. Epstein shared a map prepared by the consultant MAPC showing
205 possible placement of these proposed subdistricts. Right now there are 2 goals:

- 206 • Have zoning within reasonable proximity to transit.
- 207 • Have them situated to take advantage of economically underutilized areas.

208 Mr. Epstein explained that the identified subdistricts zone for far more than the required number of 1,632 units.
209 The Committee is now trying to pare down the size of the subdistricts.

210 Mr. Epstein spoke about the issue of integrating this requirement with affordable housing.

211 The Board discussed the timeline and challenges of making the zoning changes, and shared ideas and
212 suggestions with Mr. Epstein.

213 **Other business not anticipated by the Chair: None**

214 **Discussion of remote meeting policies for appointed Boards and Committees**

215 Mr. Epstein said a resident felt at a disadvantage at virtual meetings because he could not privately consult
216 with his clients. He asked that the Planning Board and Zoning Board of Appeals be asked to hold live
217 meetings.

218 There was a discussion of this question and whether the Select Board has the authority to make this a
219 requirement. It was decided to ask the Boards in question for their views and determine the Select Board's
220 authority.

Approval of Minutes

August 28, 2023 Regular Session:

A Motion was made to approve the August 28, 2023 Regular Session minutes of the Belmont Select Board as amended. The motion was seconded and passed unanimously by 3-0 vote.

September 25, 2023 Regular Session:

A Motion was made to approve the September 25, 2023 Regular Session minutes of the Belmont Select Board as amended. The motion was seconded and passed unanimously by 3-0 vote.

October 13, 2023 Session:

A Motion was made to approve the October 13, 2023 Regular Session minutes of the Belmont Select Board as amended. The motion was seconded and passed unanimously by 3-0 vote.

Next Meetings & Upcoming Topics

1. Monday, November 6, 2023 – 5:30 PM – Pre-STM Meeting, Belmont HS
2. Wednesday, November 8, 2023 – 5:30 PM – Pre-STM Meeting, Belmont HS
3. Monday, November 13, 2023 – 5:30 PM – Pre-STM Meeting, Belmont HS
4. Thursday, November 30, 2023 – 7:00 PM – Joint Meeting – Budget Summit II
5. Monday, December 4, 2023 – 7:00 PM – Regular Meeting
6. Monday, December 11, 2023 – 7:00 PM – Regular Meeting
7. Monday, December 18, 2023 – 7:00 PM – Regular Meeting
8. Wednesday, December 20, 2023 – 7:00 PM – Joint Meeting- Budget Summit III

Adjournment

A motion was made to adjourn the meeting of the Belmont Select Board Committee, and the motion was seconded and passed unanimously. The meeting was adjourned at 9:44pm.

Respectfully submitted by,

Susan Peghiny
Recording Secretary