

(7) Fines. Fines for violations of this subsection shall be on the following schedule: first offense: written warning; second offense: \$50; third and successive offenses: \$100 each, to a maximum of \$350 per winter season (October 1 to April 30). In situations where there is more than one obligated person, such fines may be assessed jointly or individually. No more than one fine may be assessed with respect to any single weather event requiring removal or treatment of snow, slush or ice.

(8) Enforcement.

(a) A person who is an enforcing person as defined in Subsection J shall take appropriate action with respect to observed or reported violations of this subsection.

(b) An enforcing person taking cognizance of such a violation shall promptly send the alleged offender a noncriminal written citation thereof by hand delivery or mail, postage prepaid, addressed to the owner of record.

(c) An owner of record who receives a citation pursuant to this subsection shall have 20 days thereafter to pay the applicable fine or to provide to the enforcing person a photocopy of the written agreement or lease used to delegate the obligation to comply with this subsection, in which case the owner of record shall not be responsible for paying any applicable fine, and the enforcing person may dismiss or modify the citation or reissue the citation to the obligated person as is deemed appropriate.

(d) If a citation is not dismissed and the fine is not timely paid, the provisions of Subsection J, other than those establishing penalties, shall be applicable.

(9) Not evidence. Except as required by applicable law, violations of this subsection shall not be admissible as evidence of negligence in any civil proceeding brought by an injured third party against an obligated person, tenant, or owner of record.

This article seeks only to remove the "sunset" provision from the existing Bylaw and reinsert the Residential Property Snow Removal provision to the General Bylaws to require that owners of residential property with paved sidewalks remove snow and ice within 24 hours to provide safe pedestrian passage. Violations would be subject to a non-criminal fine. The Board of Selectmen will adopt rules and regulations to determine hardship exemptions.

Submitted by the Board of Selectmen

The Bylaw Review Committee will report on this article.

Majority vote required for passage.

ARTICLE 6: RELATING TO THE CONSTRUCTION OF OVERSIZED DWELLING UNITS IN THE SINGLE RESIDENCE C ZONING DISTRICTS

1. To see if the Town will vote to amend Section 1.4, Definitions and Abbreviations, in the definition for 'Grade' by replacing the word 'altered' with 'raised' in the last sentence, as follows:

Grade - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established

prior to any filling or earth moving/removal activities. The grade shall not be altered-raised more than 12 inches to allow for proper drainage.

2. To see if the Town will vote to amend Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting:
 - a. The headings 'General Residence Zoning Districts', 'Single Residence C Zoning Districts', and 'All Other Districts', and
 - b. The provisions under the heading for 'Single Residence C Zoning Districts', as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

General Residence Zoning Districts

In the General Residence Zoning District, as provided in Massachusetts General Law Chapter 40A, Section 6, preexisting non-conforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Planning Board. On lots that do not comply with the minimum area requirements of this Zoning District, the minimum lot area per dwelling structure may not be voluntarily demolished without a Special Permit issued by the Planning Board.

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Single Residence

In the Single Residence C Zoning Districts, a nonconforming single- and two-family residential structure may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure.

The Building Commissioner may issue a Building Permit under the following circumstances:

- 1) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area and/or frontage;
- 2) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- 3) A half-story addition to a nonconforming structure, that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

If the proposed reconstruction, renovation, extension, alteration, or structural change does not meet the standards listed above, a Special Permit shall be required from the Board of Appeals.

If the Building Commissioner determines that such proposed reconstruction, extension, alteration, or structural change,

- 1) Increases the gross floor area of the non-conforming structure by more than thirty percent (30%); or,
- 2) Has been altered, extended, reconstructed or structural change made to the exterior of the structure within the past five (5) years beginning on the date of issuance of the most recently issued building permit,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board.

A nonconforming single- or two-family structure may be reconstructed after voluntary demolition in accordance with the following provisions:

1. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in volume or area as the original nonconforming structure.

2. If the proj

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- b. cause the structure to be located other than on the original footprint,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board prior to such demolition.

The Special Permit Granting Authority may grant a Special Permit to reconstruct, extend, alter or change a nonconforming structure if it finds that the reconstructed and enlarged building:

1. is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties,
2. will not increase the existing nonconforming lot coverage, if it exists, and
3. will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

For the purposes of this Section, a nonconforming single- and two-family structure shall be defined as a single- and two-family structure on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the single- and two-family structure encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

~~In All Other Districts~~

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3. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, as follows:
 - a. Within the dimensional table create a new row for 'SR-C' by separating it from 'SR-B';
 - b. Under the 'Maximum Building Height, Feet' column, replace '36' with '30'; and,
 - c. Under subsection B. Height, insert an item '2' limiting the ridge to 34 feet and renumber the remaining items accordingly;

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-B and SR-C					
> Dwelling	25	10	30	36	2½
> Other	25	10	25	36	2½
SR-C					
> Dwelling	25	10	30	30	2½
> Other	25	10	25	30	2½

B. Height

2. In the SR-C Districts, the height of a Dwelling or other structure shall not exceed 34 feet to the ridge. Notwithstanding the definition of 'Height' in Section 1.4, the height of a Dwelling or other structure with a flat roof shall not exceed 30 feet to the highest point of the roof.
4. To see if the Town will amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '2' and renumber the remaining items accordingly, as follows:
 - A. Setbacks
 2. In the SR-C Districts, the placement of ground-mounted outdoor mechanical and fuel storage equipment on a lot shall be subject to the following requirements:
 - a. Not within the front yard - The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot;
 - b. Not within the required side or rear setbacks;
 - c. Not within at least 10'-0" of the front elevation; and,
 - d. Screened so that it is not visible from the street or adjacent properties.

5. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '4' and renumber the remaining items accordingly, as follows:

A. Setbacks

4. Notwithstanding the front setback requirements listed in Section 4.2.2, the front setback for the SR-C Districts shall be the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.

Submitted by the Planning Board

The Planning Board and Warrant Committee will report on this Article.

Two-thirds vote required for passage.

ARTICLE 7: FY17 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2017 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2017; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; Or act in any other manner in relation thereto.

Amount	Project Name	Category	Funding Source
\$228,350	Construction of Intergenerational Walking Path at Clay Pit Pond	Open Space/ Recreation	Open Space/ Recreation Account/Unallocated Account
\$ 80,000	Preserving Belmont's Original Vital Records	Historic Preservation	Historic Preservation Account
\$ 85,000	Digitizing Belmont's Town Meeting Records	Historic Preservation	Historic Preservation Account
\$ 75,000	Town Hall Exterior Railings Improvements	Historic Preservation	Historic Preservation Account
\$ 25,000	Pequossette Park Revitalization	Recreational Land	Open Space/ Recreation Account/Unallocated Account
\$325,000	Winn Brook Tennis Courts	Recreational Land	Open Space/ Recreation Account/Unallocated Account