TOWN OF BELMONT
PLANNING BOARD

MEETING MINUTES
November 15, 2011

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7:00 p.m. Meeting called to order.

Attendance: Sami Baghdady (Chair), Michael Battista, Charles Clark, Associate Member, Karl Haglund, Andres Rojas, Joseph DeStefano, Jeffrey Wheeler (Staff).

Sami Baghdady reported that on going discussions were occurring with the Historic Commission regarding the proposed Demolition Delay By-Law. The Board's discussion centered around how old a structure should be to be considered historically significant, and the circumstances under which the Demolition Delay By-Law would be triggered. The Historic Commission felt that a building should be 50 years old to be considered historically significant.

The Planning Board, however, recommends:

1. The age of structures should be at least 75 years old, and that the by-law should have a fixed date so that the inventory of historically significant properties does not increase every year. Mr. Baghdady reported that according to Mr. Wheeler's research, approximately 85% of the homes in Belmont are 50 years old, and that 64% of the homes are 75 years old;

2. Certain commercial properties in Cushing Square (those that compromise the so-called Cushing Village), along South Pleasant Street, and in Waverley Square (those that form the triangle with the so-called King properties and Shaw Market) should be excluded from the by-law. The by-law would apply to all other commercial areas; and

3. Municipal Buildings should be excluded from the Demolition Delay By-Law.

Mr. Baghdady stated that he would report the Board's recommendations to the Historic District Commission and report back with any feedback.

7:10 pm Planning Board Meeting Schedule

Jeffrey Wheeler prepared a new schedule of upcoming meetings with new time changes and locations for the meetings.

7:15 pm Solar Energy Systems Zoning Amendments Public Hearing

Andy Rojas read the public hearing notice.

Jeffrey Wheeler gave a slide presentation on the Solar Energy Systems proposed zoning amendments, which highlighted the current state law, the different restrictions for roof-mounted and free-standing systems, principal usage versus accessory use, and the goals of the by-law.

Sami Baghdady noted that, by State Law, the Board cannot prohibit solar panel installations, and that the Board anticipates that technology would be constantly changing and thus the by-law would have to be amended from time to time to reflect those advances.

Michael Battista researched heights for solar panels and discovered that roof-mounted systems typically range between 12 and 16 inches above the roof. He added that most solar panels require a three inch clearance so they don't overheat. He also noted that free-standing solar panels range in height from 3-1/2 feet to 7 feet tall.

Charles Clark reiterated that a Special Permit would be required if the solar panels extended beyond the height limitations. Andy Rojas reinforced Mr. Baghdady's comments that in the future, solar energy materials will change and improve.

The hearing was opened to comments from the audience.

1. John Kolterman, Chair of Sustainable Belmont, asked what if the panels were 18 inches from the roof surface, to which Andy Rojas said that a Special Permit would have to be obtained. Sami Baghdady reiterated that the Board was bound by State Law not to be 'unreasonable'. If someone wants to install panels that do not fall within the by-laws height criteria, they can come before the Board and request a Special Permit; assuming that legitimate reasons exist, the Board will have to grant the Permit.

   Mr. Kolterman noted that having to obtain a Special Permit might deter some people from installing solar energy systems. Mr. Baghdady responded that it is not the intent to exclude solar energy systems, but to control their installation to minimize impact on neighbors, and to ensure that property values and general aesthetics were maintained. Mr. Baghdady stated that the Board could not act arbitrarily and that regulating solar energy systems was related to health, safety and welfare.

2. Roger Wrubel, Director of Habitat, asked three questions:

   1. What would happen when someone wanted to install solar panels in an upright position to gain maximum use of sunlight? Mike Battista responded that a Special Permit might be needed in this case. Sami Baghdady added that there were other considerations to weigh, such as the intrusiveness of the panels and that the abutters should be allowed to weigh in on the matter through a public process.

   2. What about roof mounted panels on a flat roof? Andres Rojas replied that it would be hard to deny a Special Permit for roof mounted panels on a flat roof if that was determined to be the only way to install solar panels. Mr. Wrubel commented that he would hate to see businesses in the town that have flat roofs have to go through the Special Permit process. He then inquired if there could be any exceptions for them.

   3. Finally, he inquired what would happen if a neighbor planted trees next to the panels and blocked the sunlight - did any provisions exist regarding the prohibition of blocking the panels? Sami Baghdady replied that such a restriction on landscaping would probably require a general Town by-law, which is beyond the scope of the proposed zoning by-law.

3. Jan Kruse, Vice Chair of the Belmont Energy Committee commended the Board for being visionary. She asked the Board if they had met with any professional installers of solar energy systems and if the Board had vetted the proposed by-law with them? Sami Baghdady responded that the Board did not meet with any installers, but several members spoke individually with installers about the proposed by-laws.

   The proposed height for free-standing Solar Energy Systems was briefly discussed. Sami Baghdady explained that the Board felt there should be a 6 feet limit, based upon the 6 foot height limit for fences. It was briefly noted that the free-standing solar energy panels at Habitat were about 9 to 10 feet tall. Andres Rojas commented that the location of the panels at Habitat was fairly isolated away from residential abutters and that in this case the structure was not impacting neighbors. He added that the intent of the Special Permit requirement would to protect smaller lots located throughout the rest of the Town.

4. Jennifer Paige, 15 Stanley Road, asked several questions:

   1. Has the Board been in contact with other communities about similar by-laws? Sami Baghdady replied that no other community has adopted this type of by-law - Belmont is being pro-active.

   2. What about snow accumulation – the height limit would not be practical. Andres Rojas responded that someone has to maintain it and keep it clear of snow.

   3. Asked for further clarity regarding neighbor's trees that block sunlight. Charles Clark responded that this was an issue of property rights. Ms. Paige followed up on this and asked whether the Board thought it would get a lot of requests for Special Permits. Andres Rojas felt that Board would get few such requests.

   4. How does the Board define welfare? Ms. Paige wanted to make sure that the Board looked beyond aesthetics, but also to the future public welfare. Sami Baghdady responded that the Board was in full support of Solar Energy Systems, but wanted to carefully balance potential impacts on residential properties.

   5. Did you go to the Town's Energy Committee for their feedback? Sami Baghdady responded that the Board has met with its Chair, Roger Colton. Ms. Paige asked if his comments could be read to the audience. As they were many pages long, Sami Baghdady stated that they would be put up on the webpage for all to read.

   6. Finally, Ms. Paige urged the Board to have the drafts of zoning amendments available to the public as quickly as possible.

Karl Haglund noted that there seems to be a push to address every possible scenario within the by-law, which he added cannot be addressed now – that would not be practical. Many of these problems can be addressed later as they arise. Andres Rojas agreed and reiterated that the Board cannot anticipate and address every single instance, which he reminded everyone, was why the Special Permit relief exists in the by-law.

Sami Baghdady said that Roger Colton emailed supplemental documents and comments to the Board, in which he comes out very strongly against Special Permits and asked that the Board delay the zoning amendments. He asked the Board's input as to how to proceed. Karl Haglund felt that the Board should proceed with what they have. Mr. Rojas asked to clarify what "delay" meant and Sami Baghdady responded that it would mean that Solar Energy Systems remain unregulated. Mike Battista felt that the Board should proceed, because it may be more harmful to the community to keep solar energy systems totally unregulated. Joe DeStefano also agreed and added that the Board has an obligation to the community to proceed with the proposed zoning amendments.

Moved by Charles Clark to close the public hearing. Seconded by Michael Battista. Motion passed unanimously.

8:50 pm South Pleasant Street Zoning Proposal

Luis Cetrangelo presented more visuals on potential development of the South Pleasant Street area. He presented a PowerPoint slide show and showed footprints of the existing buildings, the possibility of further subdividing the area in to sub-districts A, B, and C, and the potential impact that could have on lot coverage and floor area ratio. The Board then discussed the possible new zoning and the maximums that would be allowed within each sub-district.

Andres Rojas stated that the intent of this proposal is that it would have a "village" feel, and that Mr. Cetrangelo is simply conducting a volumetric study.

Michael Battista researched heights for retail floors and discovered that they range between 12 feet and 16 feet from floor to floor.

Joseph DeStefano stated that the Board needed to know the size of the existing buildings. Mr. Baghdady asked for a street line view of the potential development. Mr. Rojas asked for more information on what the total square footage of the buildings will be with incentives and without based on what the Board had agreed would be the incentives.

Sami Baghdady asked that the Board review the updated proposed Zoning By-Laws and be prepared for further discussion at the first meeting in December.

Adjournment: 9:40 pm

List of Documents Presented:

- Public Hearing Notice on the Solar Energy Systems Zoning Amendments
- Solar Energy Systems Zoning Amendments PowerPoint Presentation
- Memo from Roger Colton regarding the Solar Energy Systems Zoning Amendments dated 11/14/2011
- E-mail from Roger Colton contained various information for the Board to consider dated 11/15/2011
- South Pleasant Street Village District Zoning By-Law Outline – draft dated November 15, 2011

TOWN OF BELMONT
PLANNING BOARD

MEETING MINUTES
November 29, 2011

7:00 p.m. Meeting called to order.

Attendance: Sami Baghdady, Chair; Michael Battista; Charles Clark; Andres Rojas; Joseph DeStefano; Jeffrey Wheeler, Staff

Absent: Karl Haglund

7:05 p.m. Discussion on Solar Energy Systems Zoning Amendments

Discussion ensued regarding the Solar Energy Systems zoning amendments and the issues that were raised during the public hearing. Jeffrey Wheeler distributed various documents related to the comments raised at the public hearing. Most of the discussion focused on flat roofs and how panels installed on these should be regulated within the zoning by-laws. After much discussion the Board agreed to the following:

- Solar panels on flat roofs of buildings will require:
  1. Design and Site Plan Review, and
  2. Solar panels will be allowed to project up to 7 feet above the surface of a flat roof, but may not exceed the maximum permissible height in the district in which they will be installed, except by Special Permit.
- Free-standing Solar Energy Systems will require:
  1. Design and Site Plan Review, and
  2. The Board decided to keep the other dimensional requirements as previously discussed.

The Planning Board also discussed and decided that the following changes should be made to the proposed by-law:

Under **4.3.5 e) 1.i. -** to delete '*on the building to which it is accessory*' and to keep the phrase '*not extending beyond the eaves of the roof*'

Under**4.3.5 e) 1.ii.** – to add the word "sloped" so that the correct wording reads '*does not project more than 12 inches above the surface of the sloped roof*' and to keep the rest of the wording the way it is.

Under**4.3.5 e) 2.iii.** – to keep the wording '*not more than 6 feet above the adjacent grade*'.

Under **4.3.5 e) 3.** – to delete the wording 'as provided within Section 7.4.'

Under **4.3.5 e) 4** – to delete all of Number 4.

Under **4.3.5 e) 5** – to add the word "nuisance". This item will then become item 4 and will read '*remove it if the Building Commissioner determines that it has become a nuisance or a hazard*'.

Jeffrey Wheeler will incorporate the changes to Solar Energy Systems Zoning Amendments and forward them to the Board for final review and approval at the next Planning Board meeting.

Adjournment: 8:20 pm

List of Documents Presented:

- Solar Energy Systems Zoning Amendments Issues for Discussion revised November 29, 2011
- Solar Power Generation By-Law Zoning Amendments dated November 29, 2011
- Memo on 'How to Determine Solar Angle?'
- Pictures of Flat Roof Mounted Solar Energy Systems
- Memo on 'Special Permits to Modify Dimensional Regulations'
- Comments on "Solar Power Generation By-Law Zoning Amendment by Paul Santos dated 11/20/2011
- E-mail from Meg Lusardi regarding the Draft Solar Energy Systems By-Law dated November 29, 2011