

**TOWN OF BELMONT
PLANNING BOARD**

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**MEETING MINUTES
October 1, 2013**

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

Present: Michael Battista, Chair; Elisabeth Allison, Vice Chair; Sami Baghdady; Charles Clark; Joseph DeStefano; Karl Haglund, Associate Member, Jeffrey Wheeler, Liaison to the Planning Board

7:00 p.m. Review and Discuss Demolition Delay General By-Law

Mr. Battista reviewed what was discussed at a working group meeting that he and Mr. Haglund attended with representatives of the Board of Selectmen, the Historic District Commission (HDC), and the By-Law Review Committee. Mr. Haglund and Mr. Battista discussed the merits of their revisions to the proposed By-Law including; a sunset provision which will allow for having protection in place while the CPA building study is completed and reviewed, the re-insertion of the municipal building exclusion and the modification of the appeal criteria. He stated that the working group will meet again with the Board of Selectmen on Thursday to discuss how to proceed with the proposed By-Law. He stated that he will convey to the Selectmen the outcome of the Board's formal vote on the PB version and the HDC version. Discussion ensued amongst the members of the Planning Board on this topic.

Mr. Haglund stated that the By-Law should not be coercive, and argued that more people would support it if it contained an 'opt-out' provision. He stated that the proposed appeals process is difficult and that the 'opt out' makes the process easier, but that he could support the current PB version which includes the sunset clause.

Mr. Battista felt that the Board should take two votes (one with the sunset clause (the Planning Board's version) and one without the clause (the HDC Version)) so that he can report to the Selectmen the Board's position on the 2 version's of the By-Law. Mr. Wheeler suggested that the Board might want to have an alternative in mind to present to the Board if necessary.

Mr. DeStefano stated that he was uncomfortable with the By-Law not containing an 'opt-out' clause. He argued that it took rights away from the property owner. He stated that as an alternative, the 'opt-out' clause should be put in the By-Law and the sunset clause should be removed from it. Ms. Allison summarized the differences between the 2 versions of the By-Law. She stated that not having an 'opt-out' was a bad idea, and added that it will be very difficult to get a building removed from the list once it is made. She stated that without an 'opt-out', the HDC would become the economic development agent of the Town. She felt she could support the PB version with the sunset clause but not without it.

Mr. Clark stated that the Town needed to put something in place to stop things from happening that residents don't want to happen. He argued that this could be viewed as a temporary demolition delay that would give the Town time to get used to the process. He stated that he did

not like the 'opt-out' since he felt that it would clog up the system. Mr. Haglund suggested that the opt-out process could be quick and easy, like simply writing a letter requesting removal from the list. He added that the HDC did not like the sunset clause.

Mr. Battista wondered why the By-Law has to move forward now when the study on historic buildings in Belmont is about to be undertaken. The By-Law with a sunset clause, however, allows something to be in place on a trial basis in the meantime.

Mr. Baghdady stated that he didn't think that the process should appear to be going backwards. He mentioned that the difference between now and last spring was the study will be undertaken shortly and no one knows the outcome of the study. He further mentioned that he likes the sunset clause and added that the Planning Board's version of the By-Law allows for a meaningful appeal. He stated that he would support it.

Moved by Mr. Clark to vote to adopt or not adopt the Demolition Delay By-Law presented by the Historic District Commission (no sunset clause) and seconded by Ms. Allison. The Board voted not to adopt the By-Law 5-0.

Moved by Mr. Clark to support the Demolition Delay By-Law as put forth by the Planning Board (containing a sunset clause). Seconded by Mr. Baghdady and the motion passed 5-0.

7:45 p.m. Review and Discuss Citizens Petition Demolition Moratorium

Mr. Battista briefly reviewed a working group meeting that he and Mr. DeStefano attended with the citizens that sponsored the moratorium. He listed the issues of concern raised by the citizens, which included:

1. Grandfathering and non-conforming structures,
2. Dimensional regulations,
3. Zoning Definitions,
4. Design issues, and
5. Process and implementation

He added that another working group meeting will be held to continue discussing these issues and possible solutions.

Adjourned: 7:50 p.m.