

- **Belmont Housing Trust Minutes for 2/25/10**

- **In Attendance**—Judie Feins, Roger Colton, Alisa Gardner-Todreas, Charles Laverty III, Carla Moynahan, Jonathan Jacoby

- **MHP Grant**—John J. Goldrosen of Kopelman and Paige, P.C. responded as Town Counsel to Thomas Younger, Town Administrator. Town Counsel has reviewed the MOU establishing the Metro West Collaborative as a regional nonprofit community housing development organization and approves the form of the MOU.

- Town Counsel requested the inclusion of an additional provision: “namely, that any notices concerning the MOU are to be mailed to the Initial Members, and that the current mailing addresses of the Initial Members are to be included in the MOU.” The Trust voted to ask that the other towns (Initial Members) accept this amendment to the document.

- Judie reported that Jennifer Van Campen, Executive Director of Watertown Community Housing (WCH) will be meeting with the new head of the MetroWest HOME Consortium to insure that all the towns in MetroWest Community Developers (MWCD) are cleared to receive and use HOME funds for MWCD.

- Roger asked that Ann Silverman be acknowledged and thanked for her vision and sustained efforts to bring about regional cooperation for development.

- **CPA**—Judie reported on the February 7 meeting of the working group formed to develop a campaign to put the Community Preservation Act on the ballot in Belmont and support its passage. There is continuing interest and a speaker from the CPA Coalition is coming to speak on March 1 at the Paulsens’. There is also information that SB90 may go forward in the State Senate with some of its earlier provisions.

- **Waverley Woods**—Maloney Properties asked for an interpretation by the Trust of the Belmont residency preference rule for the Waverley Woods housing complex. The situation involves a parent who is not a Belmont resident, but who would have a child in the apartment who has been a student in the Belmont schools. The board voted to authorize Judie to send a letter supporting the interpretation that either the head of household or a family member qualifies as a Belmont resident if he or she attends or has attended the Belmont schools. The letter will be copied to Jeffrey Wheeler and attached to the minutes (see below).

- It was decided to hold the April 15 Trust meeting at Waverley Woods.

- **Comprehensive Plan**—Carla reported on the Planning Board’s process of reviewing the consultant’s report. They first discussed the executive summary and next steps will include a questionnaire and a public forum the first week of April. Carla expressed the opinion that providing pictures would be more effective than just straight text.

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- **Sustainable Belmont**—Alisa reported on a meeting of Sustainable Belmont at which Chris Starr spoke about the green aspects of his proposed development in Cushing Square (Cushing Village). They are aiming for a silver level of LEED for sustainability.

- More information about “Cool Belmont” was provided. It will aim at changing individual behaviors to reduce our carbon footprint. Teams of five households will organize to make these changes.

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- **Other Business**—Judie said she obtained an extension to Monday morning to file the Annual Report and asked for some help with it.

- She also asked who on the Board had completed the ethics training. Roger had.

- Roger enquired about what the role of the Trust should be in regard to the ballot initiative to repeal 40B. The more general question emerged as whether the Trust should take a stronger public stand on housing issues.

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- Submitted by Jonathan Jacoby

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- Attachment: BelmontResidentInterpretationLetter03012010

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Belmont Housing Trust, Inc.

Ms. Nancy Marsh, Manager
Waverley Woods Apartments
10 Olmsted Drive
Belmont, MA 02478

Dear Nancy:

This letter responds to your recent inquiry concerning the intent behind one clause of the Belmont resident definition in the Town's zoning bylaw. Maloney Properties' legal department has asked about the allowance of persons who attended school in Belmont within the past 15 years.

More specifically, you asked for an opinion from the Belmont Housing Trust, Inc. ("Trust") as to the question of whether status as a "Belmont resident" pursuant to the Belmont Inclusionary Housing zoning bylaw would extend to a household when a minor child who is a permanent full-time resident of a family, but not the parent of the child, has within the past fifteen (15) years been a student in the Belmont school system. The Trust believes that a finding of resident status should be extended under this set of facts.

In reaching this conclusion, the Trust acknowledges that the bylaw contains some ambiguity in this respect. Nonetheless, three lines of reasoning lead us to conclude that status as a Belmont resident is appropriate under these circumstances. First, one purpose of the bylaw was to broadly extend the definition of who should be considered a "Belmont resident." When read as a whole, the definition of "Belmont resident" is clearly intended to expand rather than restrict the range of circumstances that would justify a finding that a person is a "Belmont resident." It would be necessary to extend resident status under these facts to remain consistent with the inclusive intent behind the definition.

Second, as you may remember, one reason for including this definition was to allow Belmont kids to move back to town. A household (or family) would not be excluded, for example, if the head of household was one parent while the "other" parent had been the Belmont student. Moreover, one reason the definition of "Belmont resident" was written in this way was to extend "resident" status to families that had had Metco children in the Belmont schools. To read the bylaw as applying only to the Metco child turned adult (and not to the entire Metco family) would be an unreasonably restrictive reading of the bylaw.

Finally, resident status under the bylaw should extend to the entire family should any member of the household meet the definition of resident. Consider, for example, the scope of the subsection

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