

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
APRIL 9, 2013**

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7:05 p.m. Meeting called to order.

Present: Sami Baghdady, Chair; Michael Battista, Vice Chair; Elisabeth Allison, Charles Clark, Joseph DeStefano, Karl Haglund; Andres Rojas, Board of Selectmen Liaison; Jeffrey Wheeler, Staff Liaison to the Planning Board

Mr. Baghdady re-ordered the agenda in order to improve the efficiency of the meeting.

7:05 p.m. Continued Public Hearing – Cushing Village Application

Mr. Baghdady reported that Mr. Battista has been meeting with the Applicant in working group sessions regarding the noise and height of the proposed roof-top mechanicals units. He asked for an update. Mr. Battista and Mr. Donahue gave summary reports on the working sessions. Mr. Battista reported that abutter concerns and commercial impacts were discussed. He stated that all agreed that a noise consultant will be hired by the Planning Board to conduct peer review. Criteria to evaluate the noise generated by the project will be developed to address issues generated by the rooftop equipment. The new tenants will have to comply with the criteria prior to issuance of an occupancy permit. Mr. Rojas stated that a baseline of the ambient noise levels must be established before the building is up with which to compare future noise levels. Mr. Donahue added that daytime readings and nighttime readings will vary.

Mr. Quinn, architect, presented the following changes to the Pomona and Hyland buildings:

For the Pomona :

- The fourth floor was pushed back;
- The corner façade was made to look like the S.S. Pierce Building by breaking the façade into three parts, thus retaining the symmetry;
- The clock tower was removed;
- The edge of the top wall facing on Horne Road was pushed back so that the setbacks from Horne Road are 7.5 and 7 feet setbacks from the second floor to the third floor are 7 feet, and the setbacks from the third floor to the fourth floor are 10.6 feet; and
- The mechanical equipment will be surrounded by 7 foot high screen walls.

For the Hyland :

- The front corner was redesigned to be smaller;
- The roof height was lowered about a foot;
- The vertical cornices are now sloped reducing the massing of the building ; and
- The outside of the building has been landscaped with evergreen trees.

Mr. Quinn reported that an equipment area for the restaurant in the Winslow Building has been set aside on the roof.

Moved by Mr. Battista to continue the Public Hearing on the Cushing Village Application to April 3, 2013 at 7:00 pm. Seconded by Mr. Clark. Motion passed unanimously.

(Mr. Haglund left and Mr. DeStefano arrived at 7:45 p.m.)

7:50 p.m. Continued Public Hearing: Wellington School

Mr. Baghdady reported that the Site Plan Review is still open because noise still affects the neighborhood. He added that the transformer is not properly screened as well.

William Lovallo, representing the Wellington School Building Committee asked for a continuance on the noise issues in order to take new noise level measurements and conduct the sound analysis. He added that the work to the screen walls and installation of the baffling has been completed. Mr. Lovallo also reported that the Committee's proposed landscaping plan consisted of thirteen 4 foot evergreen trees to screen the transformer. Mr. DeStefano agreed to consult with the Building Committee to choose an appropriate evergreen species.

Moved by Mr. DeStefano to continue the public hearing on the Wellington School to May 14, 2013 at 7:00 pm. Seconded by Ms. Allison and passed unanimously.

8:00 p.m. Continued Public Hearing: Demolition Delay General By-Law Amendment

Mr. Baghdady reported that the new Demolition Delay By-Law is balanced and differs from the original proposal because it reduces the demolition delay period for residential properties. Mr. Baghdady noted that the list will exclude municipal properties and the properties associated with Cushing Village. Finally, he added that the 'opt out' provision was removed in exchange for a reduction in the delay period for residential buildings.

Comments from the Audience:

James Gammill, 19 Dorset Road, stated the he was sorry that the 'opt out' provision was removed. He also asked for clarification of the language in Section 35.7.1 of the By-Law, about who can bring legal action to enforce the by-law.

A discussion ensued amongst the Board members about editing the language in this section. Mr. Rojas suggested changing the language to read "the Inspector of the Building in coordination with the Commission." Mr. Battista suggested "the Inspector of the Building is authorized." Mr. Rojas felt the current language set up two competing views that could drive the owner of a property in two directions. He wanted the By-Law to make clear who has the authority.

Ms. Allison felt that there should be limits placed on the monetary penalty that could be imposed on a party by the Historical District Commission. She stated that the penalty should be reasonable and not invite abuse. Mr. Clark felt that the By-Law should clearly state the Inspector of Buildings enforces it. Further discussion ensued as to the cap on the fine, and members agreed that the fine should be substantial. Ms. Allison stated that the current wording was fine as long as it did not invite litigation.

Moved by Ms. Allison to continue the public hearing in the Demolition Delay By-Law to Thursday, April 18, 2013 at 7:00 pm. It was seconded by Mr. Clark and passed unanimously.

8:30 p.m. Continued Public Hearing: Inclusionary Housing By-Law

Mr. Baghdady reported that Mr. DeStefano and Ms. Allison have been working with the Belmont Housing Trust to develop an Inclusionary Housing By-Law. This By-Law amendment will be addressed at the May 24th Special Town Meeting. Mr. Rojas stated that the current By-Law invited litigation.

Moved by Ms. Allison to continue the public hearing on Inclusionary Housing to April 23, 2013 at 7:00 pm. It was seconded by Mr. Clark and passed unanimously.

8:45 p.m. Continued Public Hearing: Religious and Municipal Building Preservation Zoning By-Law Amendment

Mr. Baghdady reported on the changes that were included in the By-Law and suggested developing a list of properties that met the criteria contained within the By-Law.

Discussion ensued as to whether or not a decommissioned church would be subject to the By-Law. Mr. Baghdady questioned whether a church that is sold to a private developer and used for private purposes would be eligible under the By-Law. All agreed that this would not since one of the criteria states that the church has to be in continued use as a church.

Moved by Mr. Clark to close the public hearing on the Religious and Municipal Building Preservation Zoning By-Law Amendment. Seconded by Mr. Baghdady. Motion passed unanimously.

Moved by Mr. Battista to recommend adoption by Town Meeting. Seconded by Mr. Clark. Motion passed unanimously.

9:05 p.m. Deliberate and Vote on Medical Marijuana Moratorium Zoning Amendment

Mr. Baghdady briefly reviewed the proposed By-Law. Mr. Rojas stated that the state estimated the first dispensary will be up and running by the end of the year. Mr. Baghdady noted that the moratorium lasts until June 30, 2014.

Moved by Mr. Clark to recommend adoption of the Medical Marijuana Moratorium by Town Meeting. Seconded by Ms. Allison, and it was passed unanimously.

9:15 p.m. Adjournment.