

Index of Warrant Articles

Article #

- 1 REPORTS
- 2 COMMUNITY PRESERVATION COMMITTEE (CPC)-OFF CYCLE REQUEST(S)
- 3 TRANSFERS TO STABILIZATION FUNDS
- 4 CAPITAL APPROPRIATION SECURITY CAMERAS AT WELLINGTON &
CHENERY SCHOOLS
- 5 REPLACE GENERAL BYLAW §60-310 WITH SPECIALIZED ENERGY CODE
- 6 AMEND ZONING BYLAW(S): RESTAURANTS
- 7 AMEND ZONING BYLAW(S): OFF STREET PARKING
- 8 REMOVAL FROM CIVIL SERVICE: POLICE
- 9 CITIZEN PETITION: HOME RULE LEGISLATION / 61B EXEMPTION
- 10 CITIZEN PETITION: TRANSITION FROM ELECTED TO APPOINTED (HIRED)
BOARD OF ASSESSORS
- 11 APPROPRIATE FROM OPIOID SETTLEMENT STABILIZATION FUND



**TOWN OF BELMONT
WARRANT FOR 2023 SPECIAL TOWN MEETING
NOVEMBER 6, 2023
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to convene on **MONDAY, NOVEMBER 6, 2023, at 7:00 P.M.** in person and remote at the Belmont High School Auditorium or by audio/ video conferencing platform described more particularly below,, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles.

Interested members of the public may see and hear the proceedings by tuning in to the Belmont Media Center's live broadcast of the proceedings on Belmont cable television (Comcast channel 8, Verizon channel 28) or by live-streaming at www.belmontmedia.org.

Town Meeting Members participating remotely will attend and vote by logging into a web page portal operated by the Town's electronic voting vendor with unique credentials that will be issued to each Town Meeting Member before the meeting.

Town Meeting Members and other participants approved by the Moderator who wish to address the meeting are encouraged to appear in person or may participate in the meeting through the "Zoom" videoconferencing service. Login credentials will be provided to all Town Meeting Members. Registered voters who wish to address the meeting as approved by the Moderator may appear in person or contact the Town Clerk's office for login credentials, 617-993-2603.

ARTICLE 1

REPORTS

To hear the report of the Select Board and other Town Officers, any Committee heretofore appointed and to act thereon.

This article accepts the reports of Town departments appearing in the Annual Town Report and allows the Select Board and other Town officers, boards and committees to report

orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow Town officials and committees to report at the call of the Moderator.

Majority vote required for passage.

ARTICLE 2 COMMUNITY PRESERVATION COMMITTEE (CPC)-OFF CYCLE REQUEST(S)

To see if the Town will vote to appropriate from Fiscal Year 2023 Community Preservation Fund(s) as follows; or in any way act thereon.

Amount	Project Name	CPA Category	Funding Source
\$ 360,000	Community Path Phase 1 Design	RC	Open Space Recreation, Undesignated Fund
\$ 160,000	Town Hall Retaining Wall	HP	Historic Preservation Fund, Undesignated Fund
\$ 200,000	School Administration Building Roof Restoration	HP	Historic Preservation Fund, Undesignated Fund

This article will authorize the funds needed to complete critical projects that cannot wait until the regular funding cycle at Annual Town Meeting.

Submitted by the Select Board

The Select Board, Warrant Committee and Community Preservation Committee will report on this Article.

Majority vote required for passage.

ARTICLE 3 TRANSFERS TO STABILIZATION FUNDS

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money to the Capital Stabilization Fund, the General Stabilization Fund, or both; or in any way act thereon.

This article will authorize transfers to the Capital or General Stabilization Funds for later appropriation by Town Meeting.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 4 CAPITAL APPROPRIATION SECURITY CAMERAS AT WELLINGTON & CHENERY SCHOOLS

To see if the Town will vote to raise and appropriate or transfer from available funds \$160,000 for the purpose of updating and adding security cameras at the Wellington and Chenery schools; or in any way act thereon.

At the 2023 Annual Town Meeting a total of \$1,791,681 in funding was set aside for Discretionary Capital, but only \$1,631,681 was appropriated. The difference of \$160,000.00 is being appropriated via this article. The funds will complete a project to update security cameras at all schools which was begun using ARPA funding in May 2023.

Submitted by the Select Board

The Select Board, Warrant Committee and Comprehensive Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 5 REPLACE GENERAL BYLAW §60-310 WITH SPECIALIZED ENERGY CODE

To see if the Town will vote to replace §60-310 of the Town of Belmont General Bylaws, titled "Stretch Energy Code" with a new §60-310 titled "Specialized Energy Code," for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments, or modifications thereto, with an effective date of January 1, 2025 so that it reads as follows:

§60-310 Specialized Energy Code

A. Purpose

The purpose of the Specialized Energy Code is to provide a more energy-efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the State Building Code for new construction.

B. Applicability

This §60-310 applies to residential and commercial buildings.

C. Specialized Energy Code

The Specialized Energy Code codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, and including any future editions, amendments, or modifications, is herein incorporated by reference into this §60-310.

D. Enforcement

The Specialized Energy Code is enforceable by the Inspector of Buildings. This section §60-310 shall be effective January 1, 2025;

or in any way act thereon.

The implementation date of this article differs from the original Citizen Petition filed in the Spring of 2023. The original date proposed was January 1, 2024. The Department of Energy & Resources (DOER) recommends an implementation date of a minimum of six months after a municipal vote to allow for an orderly transition for developers, designers and builders, as well as additional training time for municipal code officials.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 6

AMEND ZONING BYLAW(S): RESTAURANTS

To see if the Town will vote to amend the Zoning Bylaws Section 1.4 Definitions, Section 3.3 Schedule of Use Regulations, and Section 6 (add a new Section 6.13) as follows; or in any way act thereon.

1. Amend Section 1.4 Definitions and Abbreviations as follows:

A. By Deleting the following definitions in their entirety:

Catering Service - An establishment that prepares, serves, and supplies food in large quantities to be delivered and consumed off premises. Deliveries of food products occur on a regular basis.

Restaurant - An establishment at which the principal activity is the preparation, service, and sales of food for consumption on the premises

Restaurant, Fast Food - An establishment whose primary business is the sale of food for consumption on the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; but not including drive-up windows

Restaurant, Take Out - An establishment whose primary business is the sale of food for consumption off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; (e) commonly generates a large volume of vehicular traffic, but not including drive-up windows

B. by adding the following definitions in alphabetical Order:

Food Service Establishment, Formula Based – A Food Service Establishment that conforms or substantially conforms to a set of common design and operating features that serve to identify the establishment as one of a group of establishments for business, marketing, or public relations purposes. A Food Service Establishment shall be considered a Formula Based Food Service Establishment if it shares at least two (2) of the following three (3) characteristics with ten (10) or more other establishments worldwide (regardless of ownership or location)”:

1. Trademark, service mark or logo, defined as a word, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
2. Standardized building architecture including but not limited to façade design and signage;
3. Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

Food Service Establishment – Any establishment at which the principal activity is the preparation, service, and sales of prepared food intended for consumption on or off the premises, and regardless of whether the establishment provides facilities for on-site consumption. This definition includes restaurants and catering services, but excludes establishments serving customers through drive-up windows.

2. Amend Section 3.3 Schedule of Use Regulations by DELETING the following ENTRIES under the heading “**BUSINESS**”

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Catering Service								
• Up to 10,000 square feet	N	N	N	Y	Y	Y	N	N
• More than 10,000 square feet	N	N	N	SP	SP	SP	N	N
Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting								
Restaurants								
• Up to 10,000 square feet	N	N	N	Y	Y	Y	N	N
• More than 10,000 square feet	N	N	N	SP	SP	SP	N	N
Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting								
Restaurant, Fast Food								
Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting	N	N	N	SP	SP	SP	SP	N
Restaurant, Take Out								
Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting	N	N	N	N	SP	SP	SP	N

and inserting the following ENTRIES in their place:

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Food Service Establishment	N	N	N	Y	Y	Y	Y	N
Food Service Establishment, Formula Based See Section 6.13	N	N	N	SP	SP	SP	SP	N

3. Amend Section 6 Special Regulations by adding a new section 6.13 Formula Based Food Service Establishment to read as follows:

“Section 6.13 Special Permit Review for Formula Based Food Service Establishments

6.13.1 Purpose. The purpose and intent of the Formula Based Food Service Establishments regulation is to address the adverse impact of standardized businesses on Belmont villages, commercial, and historic areas. Formula Based Food Service Establishments can detract from the overall village experience, appearance, and character, and the proliferation of Formula Based Food Service Establishments will have a negative impact on the town’s economic diversity, historical relevance, unique character, and economic vitality. These uses are therefore restricted in order to maintain the unique character of the zoning districts in which they are eligible to be located.

6.13.2 Review Criteria. The following shall be the basis for decisions on Special Permits to allow Formula Based Food Service Establishments:

- Approval of the Formula Based Food Service Establishment will not detract from the unique character of the District;
- Approval of the Formula Based Food Service Establishment will contribute to a diverse and balanced blend of businesses available to serve residents and visitors in the District;
- Approval of the Formula Based Food Service Establishment will complement those businesses already in the District and help promote and foster the local economic base as a whole; and
- The Formula Based Food Service Establishment will be compatible with existing surrounding uses, and has been designed and will be operated so as to preserve the area’s existing architecture and unique aesthetic experience.

6.13.3 Design and Site Plan Review required. Notwithstanding Section 7.3.2(c) of these By-Laws, Design and Site Plan Review under Section 7.3.2(a)-(b) shall be required for a Formula Based Food Service Establishment to the same extent as it would be for a non-formula-based Food Service Establishment.”

6.13.4 Adaptation of Characteristics. Any Formula Based Food Service Establishment may adapt its characteristics in consultation with the Inspector of Buildings so that the proposed use no longer meets the definition of Formula Based Food Service Establishment as defined in Section 1.4.

4. Conforming amendments.

A. Amend Section 1.4 Definitions and Abbreviations as follows:

By deleting the word “restaurant” from the definition of “Outdoor Seasonal Seating” and replacing it with the words “Food Service Establishment.”

B. Amend Section 5.1 Off Street Parking and Loading as follows:

By deleting the word "Restaurant" from Section 5.1.2 d) and replacing it with the words "Food Service Establishment."

C. Amend Section 8.2.1 Uses Permitted in the Cushing Square Overlay District as follows:

By deleting the words "Restaurant up to 12,000 square feet, but not including fast food or take out restaurants" from **Section 8.3.2 A)(ii)** and replacing it with the words "Food Service Establishment up to 12,000 square feet."

D. Amend Section 8.3.2 Parking Requirements as follows:

By deleting the word "Restaurant" from **Section 8.3.2 A)(ii)** and replacing it with the words "Food Service Establishment."

Submitted by the Select Board

The Select Board and the Planning Board will report on this Article.

Two-thirds vote required for passage.

ARTICLE 7 AMEND ZONING BYLAW(S): OFF STREET PARKING

To see if the Town will vote to amend the Zoning Bylaws Section 5.1 Off Street Parking and Loading as follows; or in any way act thereon.

Amend **Section 5.1.2 d)** by deleting the words "2 persons seating capacity" and replacing it with the words "4 persons seating capacity".

Submitted by the Select Board

The Select Board and the Planning Board will report on this Article.

Two-thirds vote required for passage.

ARTICLE 8 REMOVAL FROM CIVIL SERVICE: POLICE

To see if the Town will vote to remove the Police Department from the Provisions of the Civil Service Laws, and rules and regulations relating to the same, by revoking the Town's acceptance of Section 37 of Chapter 19 of the General Laws voted under Article 15 of the Warrant for the 1915 Annual Town Meeting and of Section 48 of Chapter 31 (as both have been recodified in G.L. c. 31, Section 52) with regard to the Police Department; or in any way act thereon.

This article seeks the approval of Town Meeting to remove all uniformed Police Department personnel from the provisions of Civil Service laws, which removal would become part of a negotiated agreement between the Town of Belmont and the Belmont Patrolmen's Association and Belmont's Police Superior Officers Association. Civil Service was adopted in Belmont for Police in 1915, before the existence of collective bargaining agreements.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 9 CITIZEN PETITION: HOME RULE LEGISLATION / 61B EXEMPTION

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation exempting the Town from the requirement to accept and grant applications for valuation, assessment, and taxation of land under the provisions of Mass. Gen. Laws Chapter 61B while maintaining the Town's first refusal option and ability to collect any and all applicable conveyance and roll-back taxes for applications previously granted under Mass. Gen. Laws Chapter 61B.

Submitted by Max Colice

The Petitioner will report on this Article.

Majority vote required for passage.

ARTICLE 10 CITIZEN PETITION: TRANSITION FROM ELECTED TO APPOINTED (HIRED) BOARD OF ASSESSORS

To see if the Town will (1) vote to convert the Town's elected Board of Assessors from an elected board to an appointed position pursuant to M.G.L. c.41 sec. 1B; and (2), request and authorize the Select Board in accordance with M.G.L. c. 41 sec. 1B, to place the following question on the 2024 Annual Town Election Ballot: "Shall the Town vote to have its elected Board of Assessors become an Appointed Board of Assessors of the Town? Yes ___ No ___" ; or in any way act thereon.

Submitted by Angus Abercrombie

Majority vote required for passage.

ARTICLE 11 APPROPRIATE FROM OPIOID SETTLEMENT STABILIZATION FUND

To see if the Town will vote to appropriate funds from the Opioid Settlement Stabilization Fund for the purpose of funding initial planning work, or in any way act thereon.

This article appropriates funds from the Opioid Settlement Stabilization Fund for use by a planning group for initial activities to be determined by the group. Future appropriations will be requested as the group gets underway and develops a more robust plan.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Two-thirds vote required for passage.



Given under our hands this 13th day of **October, 2023**

BELMONT SELECT BOARD

Roy Epstein, Chair

Elizabeth Dionne, Vice Chair

Mark Paolillo, Member

A True Copy, Attest
Ellen O'Brien Ashman
Town Clerk of Belmont, MA