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TOWN OF BELMONT
WARRANT FOR 2022 ANNUAL TOWN MEETING
MAY 2, 2022
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 **May 2, 2022 at 6:30 p.m**. by means of the audio/video conferencing platform described more particularly below, and to notify and warn the Town Meeting Members to convene by said method and act at said time on the Articles set forth on pages 2 through 34 of this Warrant.

The Town Meeting shall be held remotely by the means requested by the Moderator, as follows:

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 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 will 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 contact the Town Clerk's office for login credentials, 617-993-2603.

For more information, see the March 21, 2022 Moderator's letter to the Select Board appended to this Warrant as Appendix A.

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: AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

To see if the Town will authorize the Select Board to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same on behalf of the Town, as and when they deem it for the best interest of the Town, or in any way act thereon.

This is a standard article that authorizes the Select Board to represent the Town's legal interests and to settle legal claims.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 3: AMEND GENERAL BYLAW: § 40-405 CAPITAL BUDGET COMMITTEE

To see if the Town will vote to amend § 40-405 of the Town's General Bylaws titled Capital Budget Committee, by striking out the current subsections A. through C. and replacing them with subsections A. through E., as follows:

§ 40-405. Comprehensive Capital Budget Committee.

A. The Capital Budget Committee shall henceforth be named "Comprehensive Capital Budget Committee" ("the Committee") composed of nine voting members and two non-voting members: the Vice-Chair of the Select Board, the Chair of the Warrant Committee (or a member of that Committee designated by its Chair), the Chair of the Energy Committee (or a member of that Committee designated by its Chair), the Chair of the School Committee (or a member of that Committee designated by its Chair), and five registered voters of the Town who shall be appointed by the Moderator. The Moderator-appointed members shall serve for staggered three-year terms and shall be eligible for reappointment. The Town Administrator and the Superintendent of Schools, or their designees, shall serve as the non-voting members.

B. The Committee shall prepare (and annually update) a Long-Term Capital Improvement Plan ("the Plan"). As used in this § 40-405, the term "capital improvement" shall refer to spending to acquire, lease, construct, rehabilitate, or upgrade long-lived assets such as buildings, infrastructure, vehicles, major pieces of equipment, and technology, and the acquisition by purchase or taking of land, easements, and other long-term interests in real estate, and such projects are referred to in this § 40-405 as "Capital Projects."

C. The Plan shall include one-year, five-year, and 30-year components, as hereinafter described. The Plan's one-year component shall include recommended appropriations for the next fiscal year, which shall consider the capital expenditure requests from each department head made through the Town Administrator and the Superintendent of Schools. The Plan shall also specify a program of capital expenditures by fiscal year over a period of five years. The Plan for one-year and five-years shall include recommendations for sources of funds the Town can utilize to pay for Capital Projects. Beginning with the second Long-Term Capital Improvement Plan, each Plan shall also include the Committee's analyses and recommendations for the anticipated capital improvement needs over a 30-year period following the date of the Plan.

D. The Committee shall coordinate with the Town Administrator to implement the Plan in accordance with the Town's Comprehensive Financial Policies and other governing plans of the Town adopted by the Select Board, as they may be amended from time to time. The Committee shall create procedures to be used by the Town and the Committee to review and prioritize Capital Project requests and ensure that full life-cycle costs and potential funding sources are identified for each Capital Project, including the establishment and updating of a comprehensive inventory of capital assets, and including coordination with related Town committees.

E. The Long-Term Capital Improvement Plan shall be provided annually to Town Meeting, including specific recommendations for appropriations and funding sources for the following fiscal year. The Plan shall be submitted to the Town Clerk in sufficient time for distribution to Town Meeting Members at least 14 days prior to the commencement of the Town Meeting session at which the capital budget is to be considered. The Plan shall be available at the Town Clerk's office and posted on the Town's website for distribution to the public. The Plan shall also be included in the Town of Belmont Annual Report.

or in any way act thereon.

> *This article replaces the existing bylaw that creates and governs the Capital Budget Committee and replaces it with a bylaw that creates and governs a Comprehensive Capital Budget Committee. The new committee will be larger and have broader responsibility to work with the Town to develop one-, five-, and 30-year capital improvement plans, including both potential project costs and funding sources. The new committee, once convened after approval, will develop guidelines for its operations and its interactions with the Town staff and departments, as well as with other Town committees that are related to capital improvements and funding.*

Submitted by the Select Board

The Select Board, Capital Budget Committee and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 4: **AMEND GENERAL BYLAW: § 60-320 DEMOLITION DELAY**

To see if the Town will vote to amend § 60-320 of the Town's General Bylaws titled Demolition Delay Bylaw by striking the expiration date of December 31, 2022, updating the reference to the

List of Significant Historic Buildings to identify the most recent version, and eliminating the process for removal of properties from the List by the Select Board, as follows:

1. Section C, Definitions add the following phrase after the date, March 30, 2017, "modified and filed with the Town Clerk on April 3, 2018, subject to deletions" and change "Subsection D" to "Subsection C(3).
2. Delete Section B, Time Limitation
3. Delete Section D (1)
4. Correct the internal references in D(4) by changing F to E
5. Renumber as required to accomplish the above,

so that the proposed changes appear as follows:

§ 60-320. Demolition delay.

A. Intent and purpose. This section is adopted for the purpose of preserving and protecting significant buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this section, owners of preferably preserved buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such buildings; and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, this section promotes the public welfare by makingthe Town a more attractive and desirable place in which to live and work. To achieve these purposes, the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications.

~~B. Time limitation. The provisions of this section shall be null and void and of no force and effect on and after December 31, 2022.~~

~~C.~~B. Definitions. For the purposes of this section, the following terms shall have the following definitions:

APPLICANT — Any person or entity that files an application for a demolitionpermit.

APPLICATION — An application for a demolition permit. BUILDING — A roofed structure enclosing useful space. COMMISSION — The Belmont Historic District Commission. DEMOLISH — To engage in demolition of a building.

DEMOLITION — The removal or dismantling of a building in whole or substantialpart, with or without the intent to replace the construction so affected.

DEMOLITION PERMIT — The permit required by the Inspector of Buildings for demolition of a building.

INSPECTOR OF BUILDINGS — The person authorized by law to issue demolition permits within the Town of Belmont.

LIST — A list of buildings, entitled Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw, prepared by the Commission and filed with theTown Clerk,

on March 30, 2017, modified and filed with the Town Clerk on April 3, 2018, subject to deletions ~~as it may be further modified~~ pursuant to Subsection ~~D~~ C(3).

PREFERABLY PRESERVED BUILDING — Any significant building that the Commission determines, following a public hearing, should be preserved or rehabilitated rather than demolished.

SIGNIFICANT BUILDING — A building that is listed on the list.

STRUCTURE — Anything constructed or erected, the use of which requires fixed location on the ground.

~~D.~~C. The list of buildings.

~~(1) Upon the effective date of the 2017 amendments to this section, the Commission shall notify the owner of record of any building identified on the list, of the owner's right to appeal to the Select Board within 60 days of such notice to have the building removed from the list. The basis for this appeal shall be limited to a factual demonstration that the building does not qualify to be a significant building, based upon the following considerations:~~

~~(a) Whether the building is associated with events that have made a significant contribution to our history;~~

~~(b) Whether the building is associated with the lives of persons historically significant in our past;~~

~~(c) Whether the building embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction;~~

~~(d) Whether the building has recognized national, state, or local level historical significance;~~

~~(e) The historic context of the building; and,~~

~~(f) The integrity of the building.~~

~~(2)~~(1) Additional buildings shall not be added to the list.

~~(3)~~(2) Buildings that are located within the McLean Hospital National HistoricDistrict, the Common Street Historic District, the Pleasant Street Historic District and the Richardson Farm Historic District, as well as the Belmont Center Fire Station and Waverley Square Fire Station and all municipal buildings shall be ineligible for inclusion on the list.

~~(4)~~(3) The demolition of a significant building following the issuance of a demolition permit shall automatically result in the removal of such building from the list. Demolition permits issued for significant buildings shall expire six months after their issuance, and a significant building that is not demolished within such period shall remain on the list, and shall be subject to the reviewprocedure set forth in Subsection E. ~~F.~~

~~E.~~D. Exclusions. Subsection E. ~~F~~ shall not apply to:

(1) The removal of a building to another site within the Town of Belmont;

(2) Routine maintenance of a building;

(3) Interior renovations of a building;

(4) Removal, replacement, renovation, or construction of a building's porches, entryways, entry platforms and accompanying roofs, decks, dormers, or other architectural elements;

(5) Removal or replacement of a building's roofing materials, siding, railings, or windows; or

(6) Removal or destruction of a substantial addition to a significant building that, in the determination of the Commission, does not contribute to the historic character of the building.

~~F.~~E. Review procedure.

(1) No demolition permit for a significant building shall be issued until theprovisions of this subsection have been satisfied.

(2) An applicant proposing to demolish a significant building shall file with the Inspector of Buildings an application containing the following information:

(a) The address of the building to be demolished;

(b) The owner's name, address, relevant contact information and telephonenumber;

(c) A description of the building; and

(d) Photographs of the building and of neighboring properties.

If the applicant is not the owner of the building, the application shalldemonstrate the owner's assent to the filing of the application.

(3) The Inspector of Buildings shall, within seven days of receipt of such application, forward a copy thereof to the Commission.

(4) Within 35 days of receipt of a copy of the application from the Inspector of Buildings, the Commission shall hold a public hearing to determine if it is in the public interest for a significant building to be preserved or rehabilitated rather than demolished and, based on such determination, whether the significant building is a preferably preserved building. Public notice of the time, place and purpose of the hearing shall be posted in the same manner as meeting notices posted in Belmont under the Open Meeting Law, MGL c. 30A, § 20, for a period of not less than seven days prior to the hearing date. The Inspector of Buildings, the applicant and the owner of the significant building (if different from the applicant) shall be notified in writing of the meeting time and place no less than 14 days prior to the hearing date.

(5) Within 10 days of the first date of such public hearing, the Commission shall provide written notification to the Inspector of Buildings and the applicant of its determination

as to whether the significant building is a preferably preserved building. If agreed to in writing by the applicant, the determination of the Commission and notification to the Inspector of Buildings may be postponed to a specified date. If the Commission does not provide written notification to the Inspector of Buildings and the applicant of its determinationin writing by such deadline, then the Inspector of Buildings may issue the demolition permit.

(6) If the Commission determines that the significant building is not a preferably preserved building, the Commission shall so notify the Inspector of Buildingsand applicant in writing. The Inspector of Buildings may then issue thedemolition permit.

(7) If the Commission determines that the significant building is a preferably preserved building, a demolition permit may thereafter be issued no sooner than 12 months after the date that the application was filed with the Inspector of Buildings, unless a shorter time is otherwise authorized by the Commissionbased on its finding that the intent and purpose of this section, as provided in Subsection A hereof, will be adequately served.

~~G.~~F. Responsibility of owners and applicants.

(1) The owner of a significant building for which a demolition permit is being sought shall:

(a) Provide such information as is reasonably requested by the Commission in connection with its consideration of whether the significant building isa preferably preserved building;

(b) Allow exterior access to the property on which the significant building islocated, as reasonably requested by the Commission; and

(c) Secure the significant building, if vacant, to the satisfaction of the Inspector of Buildings until a demolition permit is issued.

(2) An applicant who has applied for a demolition permit for a preferably preserved building shall:

(a) Participate in the investigation of preservation options for the preferably preserved building; and

(b) Reasonably cooperate with the Commission and any interested parties inseeking alternatives to the demolition of the preferably preserved building.

(3) If the owner of a significant building fails to secure the building to thesatisfaction of the Inspector of Buildings, the subsequent destruction of the building through any cause shall be considered a voluntary demolition in violation of this section if such destruction could have been prevented by the required security measures.

~~H.~~G. Emergency demolition.

(1) Nothing in this section shall restrict the Inspector of Buildings from ordering the immediate demolition, in accordance with applicable law, of any building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a significant building is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its designee shall be allowed to accompany the Inspector of Buildings during the inspection of the building.

(2) As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a significant building, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

~~I.~~H. Administration, enforcement and remedies.

(1) The Commission may adopt such rules and regulations as are necessary to administer the provisions of this section, but may not increase the length of thedelay period stated herein.

(2) In computing any period of time prescribed in this section, the day of the act, event, or default after which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it isa Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next business day.

(3) The Commission and the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, aseither of them may deem necessary and appropriate to obtain compliance withthe requirements of this section or to prevent a threatened violation thereof.

(4) Any owner of a significant building that is demolished without first obtaining a demolition permit in accordance with the provisions of this section shall be subject to a penalty of $300. Each day that such violation exists until a faithfulrestoration of the demolished significant building or other remediation or remediation plan has been approved by the Commission shall constitute a separate offense. The Inspector of Buildings may enforce this section by noncriminal disposition as provided in MGL c. 40, § 21D.

(5) If a significant building is voluntarily demolished without first obtaining a demolition permit in accordance with the provisions of this section, no building permit authorizing construction on the lot on which the building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two years from the date of the demolition, unless agreedto by the Commission.

or in any way act thereon.

The purpose of the demolition delay article is to make permanent the demolition delay bylaw which is set to expire at the end of 2022 and to eliminate the process for removal from the list of buildings. Also, minor changes to the Bylaw from the current version eliminate obsolete clauses and update document references and formatting.

Submitted by the Select Board

The Select Board, Historic District Commission and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 5: **AMEND GENERAL BYLAW: § 40-100 MEMBERSHIP OF TOWN COMMITTEES**

To see if the Town will vote to amend § 40-100 of the Town's General Bylaws titled Membership of Town Committees:

1. § 40-100(B) add the definition of Resident
2. § 40-120 change the title from "Failure to attend meetings" to "Grounds for removing members from appointed boards" and renumber the existing text as § 40-120(A) and delete the last sentence after the words "§ 40-110"
3. Add Subsections B, C, D and E to the resultant. § 40-120

so that the proposed changes appear as follows:

Article 1
General Provisions

§ 40-100 Applicability; definitions.

A. Except as otherwise provided by law, or by these bylaws, or by specific vote of the Town Meeting, all Town boards shall be subject to the provisions of this article.

B. As used in this article, the following terms shall have the following meanings:

APPOINTED BOARD
A board any of the members of which are appointed by an appointing authority.

APPOINTING AUTHORITY
The Moderator, the Select Board or any other officer or board of officers, or combination thereof, responsible for the appointment of members of an appointed board.

BOARD
Any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more members and has been or is established pursuant to statute, these bylaws, vote of the Town Meeting or vote of the Select Board.

ELECTED BOARD
Any board the members of which are elected by all the voters of the Town at the Town Election.

PERMANENT APPOINTED BOARD
An appointed board the purpose of which is ongoing and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.

RESIDENT: A natural person who resides in the Town; a Post Office Box address or address used exclusively for mailing purposes is not sufficient.

§ 40-105 Term of office for members of permanent appointed boards.
The members of each permanent appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly 1/3 of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.

§ 40-110 Vacancies on appointed boards.
If a vacancy occurs in the membership of an appointed board, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.

§ 40-115 Officers; records; annual report; conduct of meetings.

A. Every board, including every elected board, shall annually select a chair, a clerk or secretary and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board.

B. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk.

C. Every board shall annually file a report of its activities, in form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Select Board.

D. Every board shall conduct its meetings in accordance with the Open Meeting Law of the commonwealth.

§ 40-120 Grounds for removing members from appointed boards. ~~Failure to attend meetings~~

A, Failure to attend meetings.
The chair of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § **40-110**. ~~This section shall not apply to persons who are serving as members of an appointed board solely by virtue of their holding another Town office~~.

B. Failure to comply with Conflict of Interest training requirement.
If under State law, members of a board are required to comply with the training requirements of the State Conflict of Interest (Ethics) Law (M.G.L. ch. 268A, § 28, or law of like import or effect), the Town Clerk shall notify the members of such requirements, and shall report to the appointing authority the name of any member who fails to comply with such requirements. The Town Clerk shall make at least two documented attempts to secure compliance by the member before making such report. Upon receipt of such report, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

C. Failure to maintain resident status.

Only a Resident, as defined in § 40-100B, may be a member of an appointed board, unless the written charge of the board allows for an exception. A member of an appointed board who ceases to be a Resident shall promptly notify the board's appointing authority. Upon receipt of such report, or upon otherwise learning that a member of a board has ceased to be a Resident, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

D. Inapplicability to ex officio members.

Subsections 40-120.A-C shall not apply to board members who are paid or unpaid employees or officers of the Town, and serving as members of the board in question solely because of their other Town employment or office.

E. Notice and Hearing

Before removing any board member pursuant to the provisions of § 40-120A, B or C, the appointing authority shall provide the board member reasonable notice and an opportunity to be heard on whether grounds for removal as set forth in this section are present.

§ 40-125 Use of Town materials.
No Town officer or member of a Town board shall use any paper, stationery or other article bearing the Town Seal or representation thereof or bearing the name of a Town board for other than official Town purposes regardless of whether private payment has been made for such use.

or in any way act thereon.

The intent of this article is to clarify Belmont residency for appointments to Town committees, unless the appointing authority includes an exception in the charge when creating the committee, and articulate and expand on the reasons and process for removal of a member from an appointed committee. The amendment also adds a notice requirement to conform to certain state statutes providing for the removal of members of certain boards or commissions.

Submitted by the Town Clerk

The Select Board, Town Clerk and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 6: **AMEND GENERAL BYLAW: § 60-325 STORMWATER MANAGEMENT AND EROSION CONTROL**

To see if the Town will vote to amend § 60-325 of the Town's General Bylaws titled Stormwater Management and Erosion Control:

1. In Section A (2), to add wording to clarify intent of definition, and in Section A (3) to add wording to include reference to Total Maximum Daily Load requirements and the General Permit (MS4) issued by EPA and DEP;

2. In Section B, Definitions, to add new definitions and remove unnecessary definitions to align with the General Permit;
3. In Section E, to clarify intent of this Section; to add wording to align with the General Permit, and to add subsection E (6) to address pet waste;
4. In Section F, Stormwater Management and Erosion Control, to add wording to align with the General Permit; and
5. Throughout the Bylaw, to replace wording to align with Bylaw Review Committee formatting.

So that the proposed changes appear as follows:

§60-325 Stormwater Management and Erosion Control

A. Purposes. The purposes of this **§ 60-325** ~~bylaw~~are:

(1) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System ("MS4");

(2) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections and unauthorized discharges;

(3) To comply with state and federal statutes and regulations relating to stormwater discharges, including Total Maximum Daily Load requirements, and comply with the General Permit for Stormwater Discharges from Small Municipal Separate Stormwater Systems in Massachusetts, issued by the U.S. Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("MS4 Permit");

(4) To establish the legal authority to ensure compliance with the provisions of this bylaw through permitting, inspection, monitoring, and enforcement;

(5) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff,

(6) To promote infiltration and the recharge of groundwater;

(7) To protect, maintain, and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and

(8) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

B. Definitions. For the purposes of this **§ 60-325** ~~bylaw~~, the following definitions shall apply:

ALTERATION

Any activity, that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, ~~but are not limited to~~ without limitation, construction of new structures, earthmoving, paving, and modification of existing vegetation.

BEST MANAGEMENT PRACTICES (BMPs)

Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT

The Federal *Water Pollution Control Act* (33 *U.S.C.* §§ 1251 *et seq.*) as it may hereafter be amended.

CONSTRUCTION AND WASTE MATERIALS

Excess or discarded building or site materials that may adversely impact water quality. including without limitation concrete truck "washout," chemicals, litter, and sanitary waste at a construction site.

CONSTRUCTION SITE

Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

~~**DEVELOPMENT**~~

~~The alteration of land to accommodate a new use or an expansion or modification of an existing use.~~

HAZARDOUS MATERIAL

Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under *M.G.L.* c.21C and c. 21E, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLICIT CONNECTION

A surface or subsurface drain or conveyance that allows an ~~i~~illicit D~~d~~ischarge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of this ~~this bylaw~~§ 60-325.

ILLICIT DISCHARGE

Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Subsection **E(3)**. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE

Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops, and swimming pools.

LOW IMPACT DEVELOPMENT or LID

Site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product, such as preserving and recreating natural landscape features and minimizing effective imperviousness. LID practices include without limitation bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM)

The system of conveyances, owned or operated by the Town of Belmont, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER DISCHARGE PERMIT

A permit issued by the ~~United States Environmental Protection Agency~~EPA or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NEW DEVELOPMENT

Any Alteration creating any impervious cover that occurs on a a lot or parcel that has not previously been developed.

NONPOINT SOURCE POLLUTION

Any water pollution having a source that is not a "point source."

NON-STORMWATER DISCHARGE

A discharge into the MS4 that is not composed entirely of stormwater.

OCD

Town of Belmont Office of Community Development

OPERATION AND MAINTENANCE PLAN

A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

PERSON

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE

Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT

Any element or characteristic of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

(1) Paints, varnishes, and solvents;

(2) Oil and other automotive fluids;

(3) Non-hazardous liquid and solid wastes and yard wastes;

(4) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) Excess Pesticides, herbicides, and fertilizers;

(6) Hazardous materials and wastes;

(7) Sewage, fecal coliform and pathogens;

(8) Dissolved and particulate metals;

(9) Animal wastes;

(10) Rock, sand, salt, silt, soils;

(11) Construction wastes and residues; and

(12) Noxious or offensive matter of any kind.

RECHARGE

The process by which groundwater is replenished by precipitation.

REDEVELOPMENT

Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites.

RUNOFF

The water from rain, snowmelt, or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM

A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

STORMWATER

Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates.

Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT
A permit issued by the Town of Belmont Office of Community Development, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT STANDARDS
The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection or any successor agency,~~,~~ as such Standards and Handbooks may be hereafter superseded or amended.

SUBSTANTIAL DEMOLITION
The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot.

TOTAL MAXIMUM DAILY LOAD or TMDL
Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories, and authorized tribes in listing impaired waters and developing a Total Maximum Daily Load ("TMDL") for each of these waterbodies. A TMDL establishes the maximum amount of a pollutant that a waterbody can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources, and natural background and must include a margin of safety and account for seasonal variations.

VEGETATION
Trees, shrubs, bushes, and ground cover, including grass.

WATERS OF THE COMMONWEALTH
All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

C. Administration.

(1) The ~~Board of Selectmen~~ Select Board shall adopt, and may periodically amend, rules and regulations relating to the requirements, procedures, administration, and enforcement of this **§ 60-325** ~~bylaw~~, after conducting a public hearing to receive comments on any proposed rules and regulations.

(2) The OCD shall be responsible for the day-to-day administration of this **§ 60-325** ~~bylaw~~ and shall be the Stormwater Management and Erosion Control Permit Granting Authority.

(3) The OCD shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

D. Permit Process.

(1) A completed application for a Stormwater Management and Erosion Control Permit shall be filed with the OCD. A permit shall be obtained prior to the commencement of any work regulated by ~~this bylaw~~§ 60-325.

(2) Some permit applications may require the OCD to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of ~~this bylaw~~§ 60-325. These services shall be paid for by the Applicant prior to the issuance of the Stormwater Management and Erosion Control Permit.

(3) The OCD shall take final action on an application for a Stormwater Management and Erosion Control Permit within ~~thirty (30)~~30 days from the receipt of a complete application. The OCD may approve the application; approve the application with conditions; or disapprove the application. Failure by the OCD to take final action on an application within 30 days following the receipt of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the OCD and applicant.

(4) The applicant, or an agent thereof, shall obtain the approval of the OCD prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The OCD may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to Subsection **E** of ~~this bylaw~~§ 60-325, the Stormwater Management Standards and Best Management Practices. The OCD has the right to amend the existing permit and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

E. Discharges to the Municipal Separate Storm Sewer System (MS4) ~~Illicit Connection Detection and Elimination.~~

(1) Applicability. This Subsection E shall apply to all direct or Indirect Discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system.

(2) Prohibited Activities.

(a) Illicit Discharges. No person shall commence, ~~cause or~~ allow, conduct, or continue any Illicit Discharge into the MS4 or into the Waters of the Commonwealth. Nothing in ~~the~~ this **§ 60-325** ~~article~~ shall be construed to exempt stormwater discharges from regulation under the National Pollutant Discharge Elimination System ("NPDES") stormwater program where applicable.

(b) Illicit Connections. No person shall construct, use, allow, maintain, or continue any Illicit Connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.

(c) Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of S~~s~~tormwater into or out of the MS4 without prior written approval from the OCD.

(3) Regulated Activities. No person shall connect a pipe or other appurtenance to the Town of Belmont Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Sanitary Sewer and Storm Drain Connection ~~Stormwater Management and Erosion Control Permit.~~

(4) Exemptions. The following Non-Stormwater Discharges are exempt from the requirements of Sections **D** and **E** of this ~~bylaw~~Section except if the OCD determines, after notice and an opportunity for hearing, that the source is a significant contributor of a Pollutant to the MS4 or Waters of the United States:

(a) Water line flushing;

(b) Landscape irrigation;

(c) Diverted stream flows;

(d) Rising ground waters,

(e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);

(f) Uncontaminated pumped ground water;

(g) Discharges from potable water sources;

(h) Foundation drains;

(i) Air conditioning condensation;

(j) Irrigation water and springs;

(k) Water from basement, cellar, and crawl space pumps;

(l) Footing drains;

(m) Lawn watering;

(n) Car washing undertaken by individual residents at their homes;

(o) Flows from wetland resource areas;

(p) De-chlorinated swimming pool discharges;

(q) Street wash water and residential building wash waters, without detergents;

(r) Discharges or flows from firefighting activities;

(s) Dye testing, if written approval is given by the OCD prior to the time of the test;

(t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(u) Discharges necessary to protect public health, safety, welfare or the environment, for which advanced written approval is received from the OCD.

(5) Emergency Suspension of Storm Drain System Access. The OCD may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension

order issued pursuant to this section, the OCD may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

~~(5)~~(6) Additional Prohibited Pollutants

Pet Waste: The Town of Belmont is subject to a Pathogen TMDL, and dog feces are a major component of stormwater pollution. In addition to the requirements of § 60-200, dog feces shall not be disposed in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface

F. Stormwater Management and Erosion Control.

(1) Regulated Activities. A Stormwater Management and Erosion Control Permit shall be required prior to undertaking any land disturbance that involves:

(a) An alteration that will result in land disturbances of 2,500 square feet of total area or more, or that is part of a common plan of~~for~~ development that will disturb 2,500 square feet or more;
(b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
(c) Storage or permanent placement of more than 100 cubic yards of excavated material, fill, snow or ice.

(2) Exempt Activities. Alteration on lots with one, two, or three~~-~~-dwelling units existing as of the effective date of the Article shall be exempt from Subsections **D** and **F**, except for Alteration on any such lot greater than one- acre of land or associated with the Substantial Demolition of such dwelling unit(s) and Alteration on such lot thereafter. In addition, the following activities shall be exempt from Subsection **F**:

(a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw;

(b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the Zoning Act, M.G.L. c. 40A, § 3;

(c) Customary cemetery management;

(d) Stormwater discharges that are authorized by an Order of Conditions issued by the Conservation Commission that meet the requirements of the Massachusetts Stormwater Standards;

(e) Customary landscaping, gardening, and lawn care activities;

(f) Activities not expressly regulated by Subsection **F(1)**~~.~~;

(g) ~~–~~Normal maintenance of Town-owned public land, ways, public utilities, and appurtenances; and

(h) Emergency activities necessary to protect public health or safety

(3) General Requirements

(a) An Operation and Maintenance Plan shall be submitted to the OCD for approval prior to the issuance of a Stormwater Management and Erosion Control Permit. The

Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management and Erosion Control Permit, this ~~bylaw~~Section, and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, in all seasons and throughout the life of the system.

(b) As-built drawings ~~showing all stormwater management systems~~ shall be submitted to the OCD at the completion of a project. The as-built drawings must depict all on-site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site.

(c) The OCD may require the applicant to contribute to the cost of design, construction, and maintenance of a public or shared stormwater facility in lieu of an onsite stormwater facility where the OCD determines that there are not sufficient site conditions for onsite Best Management Practices that will satisfy the design criteria set forth in Subsection **F(4)** of this bylaw and the performance standards set forth in the regulations promulgated under this bylaw. Funds so contributed may be used to design, construct, and maintain stormwater projects that will improve the quality and quantity of surface waters in Belmont by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of any required contribution to the fund shall be determined by the OCD pursuant to standards established in the Regulations adopted pursuant to this ~~bylaw~~Section.

(4) Design Criteria. ~~All~~ Each New Development and each Redevelopment shall satisfy the following design criteria:

(a) Compliance with all applicable provisions of the Stormwater Management Standards, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

(b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.

(c) There shall be no change to the existing conditions of abutting properties from any increase in peak flows or volumes of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels, or wells.

(d) When any proposed discharge may have an impact upon streams, wetlands, or ~~and/or~~ storm sewers, the OCD may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

~~(d)~~(e) Compliance with all applicable provisions of the MS4 Permit, including performance standards for New Development and Redevelopment.

G. Severability. If any provision of this **§ 60-325**~~Article~~ shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of ~~the Article~~the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Subsection **A**.

H. Enforcement. The OCD shall enforce this bylaw, and any regulations, orders, violation notices, and enforcement orders made pursuant to this **§ 60-325** ~~bylaw~~, and may pursue all civil and criminal remedies for such violations.

(1) The OCD may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include (but are not limited to) an order to:

(a) Eliminate illicit connections or discharges to the MS4;

(b) Perform monitoring, analyses, and reporting;

(c) Cease and desist unlawful discharges, practices, or operations; and

(d) Remediate contamination in connection therewith.

(2) If the OCD determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the OCD may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Subsection **H(5)**.

(3) If the OCD performs the work described in Subsection **H(2)**, the violator and the property owner shall be notified of the costs incurred by the OCD, including administrative costs, within ~~thirty (30)~~30 days after completing all measures necessary for the abatement or remediation. Within ~~thirty (30)~~30 days of receipt of such notification, the violator or property owner may file with the Town Administrator a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Administrator may adjust the amount of the costs to be charged to the violator pursuant to Subsection **H(2)**.

(4) If a person violates the provisions of this bylaw, or any regulation, permit, notice, or order issued thereunder, the OCD, with the approval of the ~~Board of Selectmen~~Select Board, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

(5) As an alternative to criminal remedies set forth in this Section, the OCD may elect to utilize non-criminal disposition procedures set forth in M.G.L. c.40, § 21D. The penalty for the first violation shall be $100.00. The penalty for the second violation shall be $200.00. The penalty for the third and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(6) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the OCD, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys, or sampling as the OCD deems reasonably necessary.

(7) The remedies set forth in this ~~S~~subsection H are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

or in any way act thereon.

The article is to comply with state and federal regulations that requires a municipality to have a stormwater bylaw. New stormwater permitting requirements from the state require certain language be included in the bylaw.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 7: ACCEPTANCE OF A PUBLIC WAY: OAKMONT LANE

To see if the Town will vote to accept Oakmont Lane as a public way, as laid out by the Select Board and as shown on a plan entitled "Acceptance Street Plan and Profile Oakmont Lane Belmont, MA," prepared by Glenn R. Clancy, P.E., dated April 4, 2022, and on file with the Town Clerk; to authorize the Select Board to acquire, by gift, purchase or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and parcels on such way, or in any way act thereon.

The article is to accept Oakmont Lane as a public way.

Submitted by the Select Board

The Select Board will report on this Article.

Two-thirds/Majority vote required for passage.

ARTICLE 8: ESTABLISH A SKATING RINK & PLAYING FIELDS BUILDING COMMITTEE

To see if the Town will vote to establish a new Municipal Skating Rink & Playing Fields Building Committee for the purpose of design and construction of a new public skating rink, and to consider design and construction related to the land and its contents west of Harris Field; to authorize the Town Moderator to appoint the new Municipal Skating Rink & Playing Fields Building Committee to oversee the design and construction of said project; to authorize said Municipal Skating Rink & Playing Fields Building Committee to enter into contracts and take all actions necessary to carry out said project, or in any way act thereon.

The skating rink building and playing surface are terrible, fragile, past its useful life and not up to code. The committee will continue the work of the Preliminary Rink Design Committee recently appointed by the Select Board.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 9: SPECIAL ACT: RETAIL LIQUOR LICENSES

To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation increasing the number of licenses that may be issued for the sale of all alcoholic beverages not to be drunk on the premises, and the number of licenses that may be issued for the sale of beer and wine not to be drunk on the premises, substantially in the form below, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition, or in any way act thereon.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Select Board of the town of Belmont may, in its discretion, grant licenses for the sale of all alcoholic beverages not to be drunk on the premises; provided, however, that no more than **four (4)** such licenses shall be in effect, including any license issued pursuant to chapter 395 of the acts of 2006 and chapter 16 of the acts of 2014. The licenses shall be subject to chapter 147 of the Acts of 2017, and chapter 138 of the General Laws.

SECTION 2. The Select Board of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine not to be drunk on the premises; provided, however, that no more than **seven (7)** such licenses shall be in effect, including those licenses issued pursuant to chapter 396 of the acts of 2006 and chapter 16 of the acts of 2014. The licenses shall be subject to chapter 147 of the Acts of 2017, and chapter 138 of the General Laws.

SECTION 3. This act shall take effect upon its passage.

This article would increase the current alcohol retail licenses that are held in Town. Currently the Town is allowed two all alcohol retail licenses and four wine and beer retail licenses.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 10: SPECIAL ACT RELATING TO THE RETIREMENT CLASSIFICATION OF CERTAIN EMPLOYEES OF THE TOWN OF BELMONT

To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation to permit the Belmont Retirement Board to retain the classification of Public Safety Communications Dispatchers in "Group 2" as defined in MGL c. 32 § 3(2)(g), substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court to advance the general public objectives of the petition, in whole or in part, or in any way act thereon.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of paragraph (2) (g) of section three of chapter thirty-two, or any other general or special law to the contrary, employees of the Town of Belmont employed as Public Safety Communications Dispatchers hired on or before January 1, 2022, shall be classified by the Belmont Retirement Board in Group 2.

SECTION 2. This act shall become effective upon its passage.

This article would allow the Town to continue to classify employees of the Town of Belmont who became employed in the Belmont Joint Public Safety Communications Center on or before January 1, 2022, shall be classified by the Belmont Retirement Board in Group 2.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 11: CITIZEN PETITION: A RESOLUTION IN SUPPORT OF CHANGING THE STATE FLAG & SEAL OF MASSACHUSETTS

To see if the Town will vote to approve the resolution as follows:

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived;

Whereas the Colonial broadsword held by a white hand above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders that

resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton unearthed in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Native people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Belmont, formerly known as Pequosette, shares a rich Native history with modern tribal Nations like the Massachusett and the Wampanoag, who inhabited this area for thousands of years before the first colonial settlers arrived in 1630;

Now, therefore, BE IT RESOLVED that the Town of Belmont hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2020 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth, and to Sen. Will Brownsberger and Rep. Dave Rogers, with the request that they continue their advocacy and support for the work of the aforementioned Special Commission.

or in any way act thereon.

Submitted by
Joseph Bernard Precinct (3) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage. This is a non-binding vote.

ARTICLE 12: **CITIZEN PETITION: AMEND GENERAL BYLAW: 40-115, ENCOURAGING PUBLIC PARTICIPATION**

To see if the Town will amend § 40-115 of the General Bylaws by adding to Paragraph B, the following:

Appointed boards shall establish procedures to encourage and facilitate public participation on important issues, which procedures could include ways to ensure public comments are provided to the board's members and ways to allow public comment before the board votes on a pending motion involving significant issues.

Or in any way act thereon.

Submitted by Robert McGaw Precinct (1) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage.

ARTICLE 13: **CITIZEN PETITION: RESOLUTION REQUIRING MIDDLE/HIGH SCHOOL SOLAR FUNDING**

To see if the Town will vote to adopt the following binding resolution:

The Belmont Middle and High School Building Committee ("BMHSBC") presented to the 6/4/2018 Belmont Town Meeting a plan for the new Belmont Middle and High School ("BMHS") to achieve Zero Net Energy ("ZNE") status that included the installation of a 1.3 megawatt ("MW") rooftop solar photovoltaic facility ("Solar PV"), which is the amount necessary to achieve ZNE. Critical to the Town's financial planning, Solar PV of that scale is expected to save an estimated $5 million in electricity costs over its 30+ year lifespan. The BMHSBC has included in its budget an amount dedicated to procuring PV equal to the sum of $2,600,000 ("Solar Budget").

The BMHSBC has recently announced that there may be more than $1.5 million of project cost increases in part caused by the Covid pandemic. The BMHSBC has also warned that it may reduce the size of the Solar Budget as part of balancing its budget. A failure to install the full 1.3MW Solar PV would prevent the BMHS from achieving ZNE, and would be contrary to Town Meeting and Town expectations.

The Town has applied for a Federal grant under the American Rescue Plan Act ("ARPA")

and is currently in the process of prioritizing how it will spend the expected ARPA funding upon receipt. Among the proposals under consideration is for the BMHSBC to receive a portion of the ARPA funds.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Belmont hereby directs, to the maximum extent allowed by law, the Town Administrator, the Town Treasurer, the Select Board and the BMHSBC as follows:

(1) that the Solar PV facility shall be installed as part of the construction of the BMHS project; and

(2) that as a condition of the receipt by the BMHSBC of a portion of the Town's ARPA funds, if any, the Town Administrator and the BMHSBC shall commit in writing that any ARPA funds allocated to the BMHSBC shall be applied exclusively to the expenditure of $2,600,000 on the Solar PV Facility, or such lesser amount as may be required to procure a 1.3MW Solar PV facility,

Or in any way act thereon.

Submitted by Brian Iler Precinct (7) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage.

ARTICLE 14: **FY23 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS**

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects as summarized in the table below, and all other necessary and proper expenses for the year, or in any way act thereon.

Amount	Project Name	Category	Funding Source
$60,000	Belmont Cemetery Preservation and Master Plan	HP	Historic Preservation
$200,000	Belmont Community Path Phase II – 25% Design	RC	Open Space Recreation
$40,000	Grove Street Baseball and Basketball Reconstruction	RC	Open Space Recreation
$1,190,530	Payson Park Revitalization Phase II	RC	Open Space Recreation
$26,100	Restoration of Belmont's Historic Clock Tower	HP	Historic Preservation
$343,409	Town Field Playground and Court Restoration	RC	Open Space Recreation

$400,000	Pre-Development Funding for Redevelopment of Sherman Gardens	CH	Community Housing
Emergency Funding Applications			
$150,000	Benton Library Chimney Repair	HP	Historic Preservation
$20,000	Benton Library Building Envelope Study	HP	Historic Preservation

This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections.

Submitted by the Community Preservation Committee

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

Majority vote required for passage.

ARTICLE 15: **SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to fix the salary and compensation of each and all the elected officers of the Town, appropriate a sum of money for that purpose, determine how the same shall be raised, or in any way act thereon.

Elected Officials of the Town	**Salary**	
Town Moderator	$450	
Chair of the Select Board	$5,000	
Select Board (2)	$4,500	(each)
Town Clerk	$106,556	
Town Treasurer	$110,871	
Chair of the Board of Assessors	$3,030	
Assessors (2)	$2,200	(each)

This is a standard article to comply with the provision in M.G.L. c. 41, § 108 requiring the compensation levels of all elected officers to be fixed at the Annual Town Meeting, and to appropriate the funds necessary for FY23. Please note that Town Meeting will establish and appropriate the compensation of other municipal employees under Article 22. The Town Clerk and The Town Treasurer salaries include a two percent (2%) COLA increase over FY2022.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 16: **ENTERPRISE FUNDS FOR WATER, SEWER AND STORMWATER SERVICES**

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service; or in any way act thereon.

This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 17: **ESTABLISH EXPENDITURE LIMITATION FOR REVOLVING FUNDS**

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish expenditure limitations for FY2023 for the revolving funds authorized in § 50-220 of the Town Bylaws;

Fund Title	**Fund Spending Limits**
Senior Programs	$150,000
Art Gallery	$15,000
Rock Meadow Maintenance	$11,000
Copying/Lost Books	$15,000
Stormwater Improvements	$100,000
MLK Day Breakfast	$5,000
Non-School Property Maintenance	$60,000
Stormwater Consulting	$50,000
Total	**$406,000**

or in any way act thereon.

This is a standard article that sets a limit on the amount of fee revenue that can be expended from the various revolving funds listed in § 50-220 of the Town Bylaws during the upcoming fiscal year.

A. *Senior Programs Fund: funds derived from Council on Aging course and program fees, charges or other receipts to be expended by the Council on Aging to fund courses and programs for Fiscal Year 2018 and subsequent years.*
B. *Art Gallery Fund: funds derived from commissions on art sales, to be expended by the Belmont Cultural Council for gallery exhibits and event expenses, including administrative costs and part-time wages, for Fiscal Year 2018 and subsequent years.*
C. *Rock Meadow Restoration and Maintenance Fund: funds derived from rental fees from garden plots, to be expended by the Conservation Commission for costs associated with the restoration and maintenance of the Rock Meadow conservation area, including part-time wages, for Fiscal Year 2018 and subsequent years.*
D. *Library Lost Book and Copying Fund: funds derived from lost book fees and fees for printing and copying, to be expended by the Board of Library Trustees for the replacement of lost books and for copier and printer supplies and maintenance for Fiscal Year 2018 and subsequent years.*
E. *Stormwater Improvement Fund: funds derived from payments made in lieu of on-site stormwater facilities, under the Stormwater Management and Erosion Control Bylaw, to be expended by the Director of the Office of Community Development for design, construction, and maintenance of public or shared stormwater facilities, for Fiscal Year 2018 and subsequent years.*
F. *Martin Luther King Day Breakfast Fund: funds derived from ticket sales for the annual Martin Luther King Day Breakfast, to be expended by the Human Rights Commission for event expenses for Fiscal Year 2018 and subsequent years.*
G. *Non-School Property Maintenance Fund: funds derived from the rental of Town properties not under the control of the School Department, to be expended by the Select Board for the maintenance and repair of such properties.*
H. *Stormwater Consulting Fund: funds derived from consultant fees paid by applicants for stormwater permits, to be expended by the Director of the Office of Community Development for peer review consultant services for Fiscal Year 2018 and subsequent years.*

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 18: APPROPRIATION OF TRANSPORTATION GRANT

To see if the Town will vote to appropriate a sum of money received from the Commonwealth Transportation Infrastructure Fund for the purpose of funding improvements to the Town's transportation infrastructure or any other public purpose substantially related to the operation of transportation network services, or in any way act thereon.

*This article is to appropriate **$9,483.50** received from the Commonwealth as the Town's share of the Transportation Infrastructure Enhancement Trust Fund. The Town has decided to utilize these funds to support the Council on Aging and to help defer the costs of intersection improvements at Mill Street, Winter Street and Concord Avenue.*

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 19: **APPROPRIATION OF CAPITAL EXPENDITURE FUEL TANKS AT DPW YARD**

To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds a sum of money for the purpose of removing and replacing two existing underground fuel tanks located at the DPW yard, or in any way act thereon.

This article will provide the remaining necessary funding to ensure the completion of the project.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 20: **APPROPRIATION OF FY23 CAPITAL EXPENDITURES**

To see if the Town will vote to appropriate sums of money to purchase public safety equipment, computer equipment (including consulting work), public works equipment and furnishings and equipment for Town facilities, construct public ways, and for building and facility and public works construction, major maintenance and alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise, or in any way act thereon.

This is a standard article to appropriate funds for capital budget expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY2023 capital expenditures will be distributed to Town Meeting Members prior to the Annual Town Meeting.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 21: APPROPRIATION TO OTHER POST-EMPLOYMENT BENEFITS (OPEB) STABILIZATION FUND

To see if the Town will vote to appropriate, or transfer from available funds in the Treasury, a sum of money to the Other Post-Employment Benefits ("OPEB") Stabilization Fund; and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by transfer from the Departmental Enterprise Funds, or by any combination of these methods; or in any way act thereon.

This article seeks to appropriate from available free cash or other available funds for future Town liabilities for Other Post-Employment Benefits.

Submitted by the Select Board

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

Majority vote required for passage.

ARTICLE 22: FY23 BUDGET APPROPRIATION AND AUTHORIZATION TO TRANSFER BALANCES TO FUND THE FY23 BUDGET

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2022 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balance of prior appropriations to fund the ensuing year's operations, or in any way act thereon.

This is a standard article that appropriates the Town's FY23 budget, commencing on July 1, 2022. The budget consists of several categories of expenditures; each such category, and the transfer of balances from various sources necessary to fund the General Fund Budget, will be presented for a separate vote of Town Meeting. The Warrant Committee Report contains the budget summary and supporting information and will be distributed to Town Meeting Members in advance of the Annual Town Meeting.

Submitted by the Select Board

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

Majority vote required for passage.

Given under our hands this 4th day of **April, 2022**

BELMONT SELECT BOARD

Adam Dash, Chair

Roy Epstein, Vice Chair

Mark Paolillo, Member

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