
TOWN OF BELMONT

WARRANTS FOR THE

2002 ANNUAL TOWN MEETING

AND

SPECIAL TOWN MEETING

ANNUAL TOWN MEETING
MONDAY, APRIL 22, 2002
7:30 PM

SPECIAL TOWN MEETING
WEDNESDAY, APRIL 24, 2002
7:30 PM

BELMONT HIGH SCHOOL AUDITORIUM

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LETTER FROM BOARD OF SELECTMEN

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April 9, 2002

Dear Town Meeting Members:

We are pleased to submit for your review the Warrant for the Annual Town Meeting commencing on April 22 at the High School Auditorium. In addition, we have called for a brief Special Town Meeting to convene within the annual meeting. This will occur on Wednesday evening, April 24, at 7:30. This year, we have decided to divide Town Meeting into two phases. The first will phase involves three sessions; April 22, April 24 and April 29. The second phase will be on May 20 and May 22. In the event a third session is required in May, it will occur on Wednesday, May 29 (Monday is Memorial Day). A second Special Town Meeting involving the zoning for the Belmont Uplands parcel is scheduled within the annual meeting for May 20. Each session of town meeting will begin promptly at 7:30 PM. It is the Selectmen's intent to move to adjourn each session at or before 11:00 PM.

The reason for bifurcating the Town Meeting involves the substantial uncertainty and difficult choices associated with the Town's budget. Despite our efforts at approving a tax override last year, the poor Massachusetts economy and other factors have negatively impacted the Town's finances. As a result, we will wait until May 20 to pass the Town's budget and deal with other articles having a financial impact. On April 29 however, it is our intent to solicit substantial input from Town Meeting on the broad parameters of the budget. Our goal is to receive guidance on one of three budget levels, which will then be developed into a detailed budget proposal for May. This will be accomplished by a presentation to the Town Meeting and the consideration of resolutions under the budget article. The Warrant Committee and the Selectmen are working cooperatively on a document to be mailed to each Town Meeting Member at least one week in advance of the April 29 budget discussion.

We look forward to a productive debate of the major public policy issues facing Belmont at this year's Town Meeting. If you have any comments, questions or suggestions about the conduct of Town Meeting, please do not hesitate to contact us. Meanwhile, all Town Meeting Members are encouraged to attend the Warrant Discussion program, sponsored by the League of Women Voters, scheduled for Thursday evening, April 18, at 7:30 PM in the Winn Brook School.

Sincerely,

William N. Brownsberger
Anne Marie S. Mahoney
Paul Solomon
BOARD OF SELECTMEN

MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

Belmont's town meetings are conducted in accordance with the Massachusetts General Laws, our Representative Town Meeting statute, the General By-Laws and traditional customs and practices that we have followed for many years, with guidance provided by the principles and rules of conduct in *Town Meeting Time, a Handbook of Parliamentary Practice*. Several matters of procedure are summarized below:

- An article in the warrant provides notice to the town meeting of a matter to be considered. The article itself is not a specific proposal for action. A motion is a proposal for action by the town meeting and must be within the scope of the notice provided by an article in the warrant. An article in the warrant may not be amended but a motion may be amended by vote of the Town Meeting.
- Formal seconding will not be required on **main motions** under articles in the warrant. Seconding will be required on all other motions.
- All **main motions and proposed amendments** involving the expenditure of money must be in writing. All other motions and proposed amendments must also be in writing unless they are so brief and simple as to be easily understood when stated orally.
- Except for motions involving the expenditure of money or by-law amendments, the Moderator will first recognize the maker of the motion, if he or she wishes to speak.
- Before commencing discussion on motions involving the expenditure of money or by-law amendments, the Moderator will first call for committee reports as follows:
 - **Expenditure of money** - Warrant Committee,
 - **Capital Improvements** - Warrant Committee, then Capital Budget Committee,
 - **General By-Law amendments** - By-Law Review Committee,
 - **Zoning By-Law amendments** - Planning Board.
- Town Meeting Members wishing to speak should stand and request recognition by the Moderator. When recognized, a Town Meeting Member should come to a microphone and state his or her name and precinct number before commencing.
- Residents of the Town who are not Town Meeting Members may speak at the Town Meeting, but first must either arrange in advance with the Moderator for recognition or arrange to be introduced by a Town Meeting Member.
- Persons who are not Town Meeting Members may be admitted to the floor by invitation **but may not vote**.
- All discussion must be relevant to a motion before the Town Meeting. All speakers must address the Moderator; questions may be asked only through the Moderator. A Town Meeting Member who wishes to make a motion that is debatable must first make the motion and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.

- The Moderator will try to recognize Town Meeting Members in the order in which they seek recognition. Unless the Town Meeting consents no person may speak more than twice upon any question, except to correct an error or to make an explanation of a previous statement. No person may speak for more than five minutes when speaking for the second time and should not seek recognition to speak for a second time until others who have not yet spoken have had an opportunity to be recognized.
- While our General By-Laws do not set a time limit for Town Meeting Members when speaking for the first time, all remarks should be concise, to the point and not excessively repetitious. Experience has shown that minds are rarely changed after the first **ten minutes** of a speech.
- Section 2.7.6 of our General By-Laws provides that **all votes shall be taken in the first instance by a yes or no voice vote**. If the Moderator is in doubt as to the vote, or if any Town Meeting Member doubts the vote, the Moderator will call for a **standing vote**. Provision is also made for a **roll call** vote. A roll call vote must be requested by a Town Meeting Member **before a standing vote is taken**; the request must be concurred with by 35 or more additional Town Meeting Members; and the request must be made in connection with **final action** under an article in the warrant.
- Our By-Laws require that a Town Meeting Member who wishes to speak on an issue in which he or she or a member of his or her family has a direct financial interest or in which he or she is engaged as an attorney or consultant must first disclose this interest to the Town Meeting.
- A **motion to reconsider** a vote adopted at one session of a Town Meeting may not be made at an adjourned session of the same Town Meeting unless the mover has given notice of his or her intention either at the session at which the vote was passed or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of the session at which the vote sought to be reconsidered was passed. A two-thirds vote is required for reconsideration and no vote may be reconsidered more than once.
- Action on Article 4, our general budget article, will not be considered final so as to require a two-thirds vote for reconsideration, or any other procedures relating to reconsideration, until all action under that Article has been completed.

Any citizen who has questions about town meeting procedures is encouraged to get in touch with me at my office (617-951-7477) or home (617-489-1159) or to see me before the start of Town Meeting.

Henry L. Hall, Jr.,
Moderator

TOWN OF BELMONT
WARRANT FOR 2002 ANNUAL TOWN MEETING
APRIL 22, 2002
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To either of the Constables 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 meet at the High School Auditorium on MONDAY, APRIL 22, 2002, at 7:30 P.M., and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1: Reports

To hear the report of the Selectmen and other Town Officers. To hear the report of 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 Board of Selectmen 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 when necessary.

Majority vote required for passage Yes_____ No_____

ARTICLE 2: Authorization to Represent Town's Legal Interests

To see if the Town will authorize the Selectmen 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 in behalf of the Town, as and when they deem it for the best interest of the Town so to do.

This article is traditional and authorizes the Board of Selectmen to represent the Town's legal interests. This authority is clearly identified in the Massachusetts General Laws and the General Bylaws of the Town of Belmont.

The Warrant Committee recommends favorable action.

Majority vote required for passage Yes_____ No_____

ARTICLE 3: Authorization to Transfer Balances

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books.

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2003 (the Budget) as contained in Article 4.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the 2002-2003 fiscal year and to make the necessary appropriations for the same for the support of schools and for other Town purposes, determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year (FY) 2003 budget, commencing on July 1, 2002. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting. The budget summary and supporting information is incorporated in the Warrant Committee Report and will be provided to Town Meeting Members in advance of their consideration of the budget. Due to substantial uncertainty and difficult choices associated with the Town's budget, we will wait until the May phase of Town Meeting to pass the Town's budget and deal with other articles having a financial impact. On April 29 however, it is our intent to solicit substantial input from Town Meeting on the broad parameters of the budget. Our goal is to receive guidance on one of three budget levels, which will then be developed into a detailed budget proposal for May. This will be accomplished by a presentation to the Town Meeting and the submission of three resolutions under the budget article. The Warrant Committee and the Selectmen are working cooperatively on a document to be mailed to each Town Meeting Member at least one week in advance of the April 29 budget discussion.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote(s) required for passage Yes_____ No_____

ARTICLE 5: Salaries of Elected Officials

To see if the Town will vote to fix the salary and compensation of each and all the elective 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.

This article fulfills the state law requiring Town Meeting to set the compensation of a town's elected officers. This article also appropriates the funds necessary to meet these compensation levels. For FY 2003, the recommended compensation levels are listed below. Please note that the Town Meeting establishes the compensation of all other municipal employees under a separate article (Article 10).

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$69,610
Town Treasurer	To Be Determined
Chairman of the Board of Assessors	\$2,750
Assessor (1)	\$2,420
Assessor (1)	\$2,200
Water Commissioners (3)	\$1,000 each

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 6: Non-Contributory Pensions

To see if the Town will vote to appropriate a sum of money to provide non-contributory pensions for eligible employees of any and all of the Town Departments as provided in the applicable provisions of Chapter 32 of the General Laws, determine how the same shall be raised and by whom expended, or in any way act thereon.

This article seeks an appropriation to fund the benefits of retirees of the Town who were employed prior to the establishment of the Massachusetts Contributory Retirement System. The recommended appropriation of \$102,237 covers the pension benefits of seven persons pursuant to a schedule established by state law.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 7: Contributory Pensions

To see if the Town will vote to appropriate a sum of money to provide for contributory pensions and expenses in connection therewith in accordance with the applicable provisions of Chapter 32 of the General Laws, determine how the same shall be raised and by whom expended, or in any way act thereon.

This article seeks an appropriation to fund the benefits of retired Town employees (but not school teachers) administered by the Belmont Retirement Board. Massachusetts' cities and towns are not covered under the federal Social Security

system, but under a state contributory retirement system. Currently, the Town is on an actuarially funded plan approved by the Public Employee Retirement Administration Commission (PERAC), the state agency in charge of the retirement system. The recommended appropriation of \$2,429,750 funds the costs of the plan for FY 2003.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 8: Appropriation of "Up Front" Funds for Highway Improvements

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, sums of money for the repair, improvement and construction of highways, said money to be used in conjunction with any money which may be allotted by the Commonwealth for the said purposes, authorize the acceptance of such allotment, determine how the money raised and allotted as aforesaid shall be expended under the provisions of Chapter 90 of the General Laws, and acts in amendment thereof and in addition thereto, or in any way act thereon.

This article seeks an appropriation to provide "up front" money for state reimbursed highway aid. The state provides highway aid, referred to as Chapter 90, to all cities and towns on a reimbursement basis. This aid is authorized by the Legislature every two or three years through state transportation bond issues. The appropriation of \$136,096 for FY 2003 is the amount projected for Belmont. These funds, when supplemented with capital budget funds, shall be used to implement a Pavement Management Program designed to extend the useful life of our roadway system. In addition, the Town has used Chapter 90 funds for design purposes in order to "leverage" substantial federal transportation funding for major road projects (i.e., Pleasant Street).

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 9: Personnel Policy Guide Revision

To see if the Town will vote to amend the Personnel Policy Guide of the Town previously adopted under the provisions of Article 11 of the General By-Laws of the Town, or in any way act thereon.

This is a standard article on the Warrant that allows for the revision of the Town's Personnel Policy Guide. The proposed revisions to the Personnel Policy Guide are included in this mailing. The changes are primarily of a "housekeeping" nature and do not substantively alter previously established personnel policies.

Majority vote required for passage

Yes _____ No _____

ARTICLE 10: Position Classification and Compensation Plan

To see if the Town will vote to amend the Position Classification and Compensation Plan of the Town previously adopted under the provisions of Article 11 of the General By-Laws of the Town, or in any way act thereon.

This is a standard article appearing in the Warrant. Classification and compensation of all permanent Town (non-school) positions are included in a plan adopted by Town Meeting pursuant to section 108A of Chapter 41 of the Massachusetts General Laws. In the fall of 2000, the Town completed a classification and compensation study for all its non-public safety employees. Now that all collective bargaining agreements incorporating the new plan have been finalized, the Town seeks approval of changes to the Plan. The updated Position Classification and Compensation Plan for Town Meeting approval is included in this mailing. Funds necessary to implement changes associated with the new plan are included within the budget.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage

Yes _____ No _____

ARTICLE 11: Capital Expenditures

To see if the Town will vote to appropriate sums of money to purchase Public Safety Equipment, Computer Equipment, 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 and by whom expended, or in any way act thereon.

This is a standard article appearing the Warrant to appropriate funds to support capital expenditures. While the article is general as to the categories of capital expenditures, the motion shall be explicit. The recommendations of the Capital Budget Committee will be provided prior to Town Meeting discussion and approval. Because of the uncertainty surrounding the Town’s operating budget, it is anticipated that a vote on this article will not occur until the May phase of Town Meeting.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage (two-thirds if borrowing)

Yes _____ No _____

ARTICLE 12: Appropriation to Stabilization Fund

To see if the Town will vote, pursuant to Chapter 40, Section 5B, of the General Laws, to appropriate a sum of money to the stabilization fund, determine how the same shall be raised, or in any way act thereon.

The Stabilization Fund is a special fund, carried over from year to year, with interest income staying with the Fund. As its name implies, it is a mechanism designed to stabilize the effect of major, non-recurring expenditures. Any appropriations from the Stabilization Fund may be made by Town Meeting by two-thirds vote. It is unlikely that the budget plan developed for the May phase of Town Meeting will allocate any funds to the Stabilization Fund this year.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 13: Appropriation for Design Services- Town Hall Complex

To see if the Town will vote to appropriate an additional sum of money for design services and expenses associated with the proposed renovation of the three buildings within the Town Hall Complex, i.e. Town Hall, Town Hall Annex and School Administration Building, to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.

The Town is required to make its municipal and school administrative offices fully accessible under settlement of a federal lawsuit seeking compliance with the Americans with Disabilities Act. Voters approved a referendum question on April 1 guaranteeing that all debt costs associated with this project be exempted from the tax limitations imposed by Proposition 2 ½. However, Town Meeting must appropriate the required funds. At this time, Town Meeting will only appropriate and authorize borrowing to fund the final design costs necessary to bid the project. The total cost of this final design stage is approximately \$1.4 million.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage (for borrowing) Yes_____ No_____

ARTICLE 14: Appropriation for Design Services of Permanent Senior Citizens Center

To see if the Town will vote to appropriate a sum of money for design services and expenses for the construction of a new structure or the renovation of an existing structure for a permanent Senior Citizens Center, to determine whether such sum shall be raised by borrowing or otherwise, to authorize the Moderator to appoint a building committee for the project, or in any way act thereon.

This article seeks approval to appropriate funds for design services related to either the construction of a new senior center on the Kendall site at Beech Street or the renovation of the existing leased facility on Oakley Road. It also authorizes the Town Moderator to appoint a building committee for this project. The Town Meeting appropriated funds to study the feasibility of each of these two options at the Special Town Meeting last November. The results of the study are not complete at this time. Following completion of the study at the end of April, the Board of Selectmen, working with the ad hoc major capital projects planning group, will determine whether this project is ready to move forward. If this is the case, a complete package of the proposal will be submitted to Town Meeting Members for action at the second phase of Town Meeting in May.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage (two-thirds for borrowing) Yes_____ No_____

ARTICLE 15: Adoption of State Early Retirement Incentive Program

To see if the Town will vote to accept the provisions of a statute which provide for an early retirement program for certain Town employees, or in any way act thereon.

This article was placed on the Warrant in anticipation of passage of state legislation that would allow municipalities to implement an early retirement incentive program for certain municipal employees. The law would allow certain municipal employees to add a combination of up to five years to their age or years of service for the purpose of calculating retirement benefits. It is likely that the municipality would be able to restrict the number and type of employees who could receive this benefit. The Town Meeting cannot act upon this article unless the legislation has been approved. In the event that the Board of Selectmen supports adoption of the program, Town Meeting Members will receive a final version of the legislation and any proposal for local implementation in advance of Town Meeting discussion and vote.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 16: Authorization to Allow Consolidation of Town and School Buildings and Facilities Functions

To see if the Town will vote to accept the provisions of Section 37M of Chapter 71 of the General Laws which would allow the Town and the School Committee to consolidate administrative functions, including but not limited to financial, personnel and maintenance functions, or in any way act thereon.

This article seeks adoption of a state statute that allows the Town and School

Department to consolidate its buildings and facilities management functions. Both Town Meeting and the School Committee must approve this statute for it to be effective. The Board of Selectmen and School Committee are in the process of negotiating a Memorandum of Understanding that would establish broad guidelines for staff to plan and implement specific aspects of the consolidation of personnel and resources.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 17: Amendments to Conservation Restrictions in McLean Memorandum of Agreement

To see if the Town will vote to approve certain revisions to the proposed Conservation Restrictions set forth as Attachments B1 and B2 to the Memorandum of Agreement dated November 22, 1999 between the Town and the McLean Hospital Corporation as set forth in the documents entitled “Proposed Revisions to Attachment B1 Conservation Restriction” and “Proposed Revisions to Attachment B2 Conservation Restrictions” on file in the Town Clerk’s office, or in any way act thereon.

The McLean Hospital Memorandum of Agreement contains two Conservation Restrictions that provide guidelines for the open space parcels on McLean that are to be preserved. The Land Management Committee is working cooperatively with The Trustees of Reservations and interested parties to carefully revise these two documents to accurately reflect the conservation intentions of the Town and to facilitate management by the Trustees. The changes will be effective in perpetuity, and will enable the Land Management Committee to appropriately act as stewards for this unique property. The major changes will occur in four areas: 1) bicycle use, 2) the public safety communications facility, 3) utilities and 4) future actions/responsibilities of the involved parties. The final package is not ready for Town Meeting action at this time but should be finalized for action at the second phase of the Town Meeting in May.

Majority vote required for passage Yes_____ No_____

ARTICLE 18: Amendment to By-Law—Financial Management

To see if the Town will vote to amend the General By-Laws of the Town by adding a new Article 4A entitled ‘Financial Management’ as follows:

4A.1 In addition to the duties imposed by law, the Town Accountant shall have primary responsibility for analyzing and reporting on all aspects of the town’s financial condition.

4A.2 The Town Accountant shall prepare the following analyses and such other analyses as, in his judgment or the judgment of the Town Administrator, will

inform the officers and citizens of Belmont on matters pertaining to the town's financial condition.

4A.2.1 At least as frequently as December 1 of each year, the Town Accountant shall prepare a Comprehensive Financial Projection extending at least five years beyond the current fiscal year, including without limitation estimated revenues from existing revenue sources, estimated costs of maintaining existing service levels, scheduled service costs on outstanding debt, estimated debt service costs on a comprehensive list of upcoming capital projects which the Selectmen shall develop in consultation with the Warrant Committee and the Capital Budget Committee and direct him to include, and amounts in all reserve funds of the town, including overlay accounts.

4A.2.2 Monthly, the Town Accountant shall prepare an Actual-versus-Budget Analysis, including actual revenues by source and expenditures by department for the current fiscal year, a comparison to the revenues and expenses at the same date in the prior fiscal year, a projection of current fiscal year revenues and expenses, a comparison of projected revenues and expenses to amounts estimated or appropriated and a projection of year-end free cash.

4A.3 Ten days prior to seeking approval from the Board of Selectmen for the issuance of any obligation of the Town, the Treasurer shall provide to the Town Accountant a description of the terms and conditions of the proposed obligation. The Town Accountant shall prepare a statement of the effect of the proposed obligation on the Comprehensive Financial Projection. Failure to comply with this paragraph shall in no way limit the power of the Treasurer or the Board of Selectmen to issue said obligation.

4A.4 Ten days prior to seeking approval from the Board of Selectmen on any matter as to which they are required to or elect to seek such approval, the Board of Assessors shall provide to the Town Accountant an explanation of such matter. The Town Accountant shall review and provide comments on said matter, including but not limited to a statement of the effect of the matter on the Comprehensive Financial Projection. Failure to comply with this paragraph shall in no way limit the power of the Board of Assessors or the Board of Selectmen to act with respect to said matter. This paragraph shall not apply to routine approvals that the Selectmen have delegated to others and do not as a Board review.”

or in any way act thereon.

This article seeks to establish specific financial management analysis and responsibilities of the Town Accountant position. Since submission of this article on the Warrant, the Board of Selectmen is more inclined to incorporate these changes in a policy and other administrative documents and not as a Town's by-law. As a result, such, it is expected that this article will be withdrawn.

The Warrant Committee recommendation will be included in its report to Town Meeting. The By-Law Review Committee will report orally on this Article.

ARTICLE 19: Amendment to Town Clerk’s Fee By-Law

To see if the Town will vote to amend Article 5 of the General By-Laws of the Town entitled “Town Clerk” by deleting certain subsections of Section 5.12 and by substituting therefore the following new subsections:

“5.12 The fees of the Town clerk shall be as follows:

- 6. *For correcting the errors in a record of birth, fifteen dollars;*
- 7. *For furnishing a certificate of birth, ten dollars;*
- 8. *For furnishing an abstract copy of a record of birth, five dollars;*
- 12. *For filing certificate of a person conducting business under any title other than his real name, twenty-five dollars;*
- 13. *For the filing by a person conducting business under any title other than his real name or a statement of change of his residence or of his discontinuance, retirement or withdrawal from such business, fifteen dollars;*
- 14. *For furnishing certified copy of certificate of person conducting business under any title or a statement by such person of his discontinuance, retirement or withdrawal from such business, ten dollars;*
- 20. *For correcting errors in a record of death, fifteen dollars;*
- 21. *For furnishing a certificate of death, ten dollars;*
- 22. *DELETE*
- 29. *For entering notice of intention of marriage and issuing certificate thereof, twenty dollars;*
- 31. *For issuing certificate of marriage, ten dollars;*
- 32. *For issuing abstract copy of a record of marriage, five dollars;*
- 44. *For examining records or papers relating to births, marriages or deaths upon the application of any person, the actual expense thereof, but not less than fifteen dollars;”*

or in any way act thereon.

This article would increase fees charged by the Town Clerk for certain services that are incorporated within the Town Bylaws. These increases are incremental and are shown on following table:

Description	Current	Proposed
Correct error on birth record	\$5	\$15
Furnish birth certificate	\$5	\$10
Furnish abstract copy of record of birth	\$3	\$5
File "doing business as" certificate	\$15	\$25
Register change in "doing business as" certificate	\$10	\$15
Furnish certified copy of "doing business as" certificate	\$3	\$10
Correct error in death certificate	\$10	\$15
Furnish death certificate	\$5	\$10
Furnish abstract copy of record of death	\$3	delete
Enter notice of intention of marriage and issue certificate	\$10	\$20
Issue certificate of marriage	\$5	\$10
Furnish abstract copy of record of marriage	\$3	\$5
For examining records or papers relating to births, marriages, or death	Actual expense, but not less than \$10	Actual expense, but not less than \$10

The Warrant Committee recommendation will be included in its report to Town Meeting. The By-Law Review Committee will report orally on this Article.

Majority vote required for passage Yes _____ No _____

ARTICLE 20: Amendment to Noise By-Law

To see if the Town will vote to amend Article 23 of the General By-Laws of the Town entitled "Belmont Noise By-Law" by deleting the present Article 23 and by substituting therefor the following new Article 23:

"Article 23 Belmont Noise By-Law

23.1 Declaration of Policy

In order to control unnecessary, excessive and annoying noise in the Town of Belmont, it is hereby declared to be the policy of the Town to prohibit such noise generated from or by all sources as specified in this By-Law.

23.2 Definitions

Except as may be specified herein, acoustical terminology used throughout this By-Law is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this By-Law shall have the meanings as indicated below:

- (a) *BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.*
- (b) *CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.*
- (c) *The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 micropascals.*
- (d) *EMERGENCY VEHICLE shall mean any vehicle operated in an effort to protect, provide or restore public safety, including ambulances, police vehicles and fire vehicles.*
- (e) *EMERGENCY WORK shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.*
- (f) *ENFORCING PERSON shall mean any police officer of the Town or any other Town employee designated by the Selectmen for this purpose. For complaints under Section 23.5 an enforcing person shall also include any authorized employee of the Office of Community Development.*
- (g) *IMPACT DEVICE shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.*
- (h) *INTRUDING NOISE shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.*
- (i) *L_{eq} , equivalent sound level, is the level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time-varying sound during the same period, as measured with a sound level meter measuring L_{eq} .*
- (j) *PERSON shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.*
- (k) *RESIDENTIAL PROPERTY shall mean a parcel of real property which under the Belmont Zoning By-Law is in whole or in part in a Single Residence A, Single Residence B, Single Residence C, Single Residence D, General Residence or Apartment House District or Senior Living or Residential Subdistrict.*

- (l) *SOUND LEVEL shall mean the instantaneous A-weighted sound pressure level, in decibels, as measured with a sound level meter set to the "A" weighting scale, slow response.*
- (m) *SOUND LEVEL METER shall mean an instrument meeting American National Standard Institute's Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.*

23.3 Designated Noise Zones

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All residential properties and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space Subdistrict.

NOISE ZONE II: All other properties.

23.4 Exterior Noise Standards

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on any other property to exceed the greater of:

- (a) The maximum allowable exterior sound level outlined in Table I; or*
- (b) Five dB over the background sound level.*

Table I. Maximum Allowable Exterior Sound Level

<i>Noise Zone</i>	<i>Daytime level 7:00 AM to 10:00 PM</i>	<i>Nighttime Level 10:00 PM to 7:00 AM</i>
<i>I</i>	<i>55 dBA</i>	<i>45 dBA</i>
<i>II</i>	<i>65 dBA</i>	<i>60 dBA</i>

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

23.5 Construction Noise Standards

- (a) Noise associated with construction is permitted between 7:00 AM and 8:00 PM on weekdays and Saturdays provided the sound level from:*

(1) *non-impact devices does not exceed 70 dBA as measured over a time interval of 10 minutes with a sound level meter set to L_{eq} located on any other property, but at least 50 feet from the construction activity;*

(2) *impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 50 feet from the construction activity.*

(b) *Between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, and at any time on Sunday or a legal holiday, noise associated with construction, shall be limited by the standards of Section 23.4.*

23.6 Maintenance Noise Standards

(a) *Noise associated with maintenance is permitted between 7:00 AM and 8:00 PM on weekdays and Saturdays and between the hours of 9:00 AM and 8:00 PM on Sunday, provided the sound level does not exceed 80 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance activity;*

(b) *Between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, and between the hours of 8:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 23.4.*

23.7 Special Provisions

Noise associated with the following activities shall be exempted from the provisions of this By-Law:

(a) *Emergency work or emergency vehicles.*

(b) *The operation of any vehicular alarm, provided it terminates within 15 minutes of the initially recorded complaint.*

(c) *Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction including but not limited to school athletic and school entertainment events.*

(d) *Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.*

(e) *Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.*

(f) *Any activity to the extent regulation thereof has been preempted by State or Federal Law.*

23.8 Prima Facie Violation

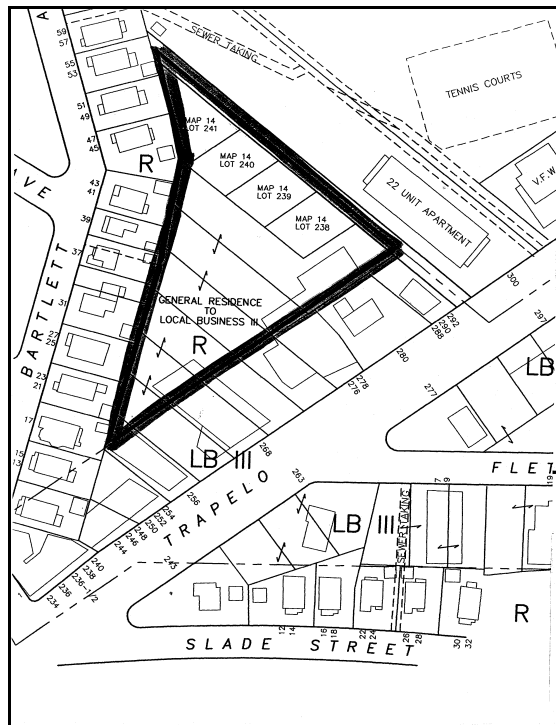
Any measured noise exceeding the sound level standards as specified in Sections 23.4, 23.5 and 23.6 shall be deemed to be prima facie evidence of a violation of the provisions of this By-Law.

23.9 Penalties for Violations

- (a) Violations under Article 23, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws (“Section 21D”).*
- (b) The penalty for a violation under Section 23.4 or 23.6 shall be \$25 for a first offense next after the first warning, \$100 for a second offense, \$200 for a third offense, and \$300 per offense, without limit, for each succeeding offense. Each day or part thereof shall constitute a separate offense.*
- (c) The penalty for a violation under Section 23.5 shall be \$50 for a first offense next after the first warning, \$100 for a second offense, \$300 for a third offense, and each succeeding offense. Each day or part thereof shall constitute a separate offense. Additionally under Section 23.5, at the discretion of the enforcing person, all construction activities may be suspended following initial warning until the violation is cleared to the reasonable satisfaction of the enforcing person.*
- (d) An enforcing person taking cognizance of a violation of this Article or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the provision of Section 21D. The provisions of Section 21D are incorporated by this reference.*

23.10 Manner of Enforcement

- (a) Violations of this Article shall be prosecuted in the same manner as other violations of the Belmont General By-Laws provided, however, that in the event of an initial violation of the provision of this Article, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed or fully-corrected within the time period specified in the written notice.*
- (b) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a complaint.*



The Planning Board will report orally on this Article.

Two-thirds vote required for passage

Yes _____ No _____

ARTICLE 22: Amendment to Zoning By-Law—Inclusionary Housing

To see if the Town will vote to amend the Zoning By-Law of the Town by adopting the following thirteen sub-articles lettered A through M:

SUB-ARTICLE A

To see if the Town will vote to amend the Zoning By-Law of the Town by adding the following Section 6.10, to be entitled “Inclusionary Zoning By-law” to be inserted in the By-law after Section 6.9, “Affordable Housing”.

“6.10 INCLUSIONARY HOUSING BY-LAW

6.10.1 Purpose

The purpose of this bylaw is to encourage the expansion and upgrade of the Town's affordable housing stock, in order to provide for a full range of housing choices for households of all incomes, ages and sizes; to prevent the displacement of low to moderate income Belmont residents; to increase the production of affordable housing units to meet existing and anticipated employment needs within the Town; to provide a mechanism by which commercial development can directly contribute to an increase in the supply of affordable housing in exchange for a greater intensity of development than permitted as a matter of right; and to mitigate the impact

of commercial and residential development on the availability of housing to low and moderate income households.

6.10.2 Definitions

- 1. Adaptive reuse: Remodeling and conversion of an obsolete or unused building or other structure from its original or most recent use to an alternate use.*
- 2. Affordable Housing Trust Fund: An account established and operated for the purpose of creating or preserving affordable housing in the Town of Belmont.*
 - a. The Affordable Housing Trust Fund may be used for the following purposes, including but not limited to, the purchase and improvement of land, the purchase of housing units or the development of new and/or rehabilitated housing units for purchase or rental by Qualified Affordable Housing Purchasers or Tenants or to preserve existing affordable housing. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of the Board of Selectmen.*
- 3. Affordable Housing Unit: A housing unit that by Deed Restriction is and will remain:*
 - a. available for sale and sold at a selling price that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Purchaser; or*
 - b. available for rental and rented at an annual rent that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Tenant, not including any housing unit rented to a tenant receiving rental assistance pursuant to a state or federal rental assistance program.*
- 4. Annual Shelter Cost:*
 - a. For owners, the aggregate of annual charges for debt service on a mortgage (assuming a 10% down payment), real estate taxes, homeowner's insurance, and condominium fees if applicable.*
 - b. For tenants, the aggregate of annual charges for rent, utilities (except telephone) and renter's insurance.*
- 5. Belmont Resident: a Belmont Resident is:*
 - a. an individual or family maintaining a primary residence within the Town of Belmont; or*
 - b. an individual who is employed at least 30 hours per week within the Town of Belmont; or*
 - c. a parent or guardian with children attending the Belmont public schools; or*
 - d. a person who, within the ten years immediately preceding application for a Belmont*

affordable housing unit, actually attended the Belmont public schools.

6. *Deed Restriction: A provision, acceptable in form and substance to the Town of Belmont, in a deed to real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. Any restriction created under this bylaw shall survive any bankruptcy, insolvency, or other action, and shall not be subject to nullification for any reason.*
7. *Housing Unit: A dwelling unit, lodging unit, or unit within a senior or assisted living facility.*
8. *Lodging Unit: A rented room or group of rooms, not necessarily containing either cooking or sanitary facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.*
9. *Qualified Affordable Housing Unit Purchaser or Tenant: A household with total annual income that does not exceed the following percentages of the median income of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development (as amended):*
 - a. *For a purchaser of a single family home: eighty percent (80%);*
 - b. *For a purchaser of a condominium unit: eighty percent (80%)*
 - c. *For a tenant in a rental unit: eighty percent (80%)*

6.10.3 Applicability

1. *Residential Development: This bylaw shall apply to all residential developments that involve the creation of seven (7) or more housing units, whether new construction or adaptive re-use. Developments may not be segmented to avoid compliance with this by-law.*
2. *Non-Residential Development: This by-law shall only apply to a non-residential development of over 5,000 square feet (s.f.) in gross area that requires a Special Permit for an increase in density or intensity (gross floor area) lot coverage or height, or, for a use where a special permit is sought that would result in the use being over 5,000 s.f. in gross area pursuant to the following Sections of these By-Laws:*

Section 3.3 Schedule of Use Regulations.

Section 3.5 Major Development.

Section 4.2 Schedule of Dimensional Regulations

Section 4.4 Local Business I and Special Permit Criteria

This by-law shall not apply to non-residential uses that do not require a Special Permit(s).

6.10.4 Vested Rights

This bylaw does not apply to any development for which a complete application for site plan review has been submitted to the Planning Board on or before March 10, 2002.

6.10.5 Affordable Housing Corporations

This bylaw does not apply to a limited profit, not-for-profit corporation or town agency, engaged in providing affordable housing pursuant to Massachusetts General Laws (MGL) Chapter 40B.

6.10.6 Requirements

1. Residential Development:

- a. *Beginning with the seventh housing unit in a residential development, the developer of any residential development subject to this by-law shall provide one (1) affordable unit for every two (2) market rate units in the development up to a total of twenty (20) units in a development. Beginning with the 21st unit in a residential development, the developer shall provide one (1) affordable unit for every three (3) market rate units. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this by-law.*
- b. *The Zoning Board of Appeals, in its discretion, may allow the developers of non-rental housing units, to make a cash payment to the Town through its Affordable Housing Trust Fund. The cash payment, or equivalent value in land or buildings, shall be equal to the difference between the fair market value for a comparable market-rate housing unit and the price of an affordable housing unit for a household of 1.5 persons per bedroom.*

2. Nonresidential Development:

- a. *The developer of any non-residential development subject to this by-law shall construct or cause to be constructed, one affordable housing unit for each five thousand (5,000) square feet of gross floor area authorized as an increased density bonus by the Special Permit.*
- b. *Or, the developer may opt to pay an Inclusionary Housing Fee of two dollars (\$2.00) for every square foot of gross floor area over five thousand (5,000) square feet authorized as an increased density bonus by Special Permit. This fee shall be paid into the Affordable Housing Trust Fund prior to the issuance of a building permit for the project.*
- c. *In determining the total number of affordable housing units required to be constructed, a calculation resulting in a fractional unit of .75 or more shall be regarded as a whole unit, however any project subject to this By-law shall be required to provide at least one affordable housing unit.*

6.10.7 General Provisions:

1. *The Board of Selectmen shall be charged with administering this bylaw and shall promulgate rules and regulations to implement its provisions.*
2. *For all projects subject to the provisions of this by-law, a minimum of at least one affordable housing unit shall be provided or cash equivalent. Affordable housing units shall be dispersed throughout the building(s) and shall be comparable to market-rate housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.*
3. *The Zoning Board of Appeals, in its discretion, may require the provision of an accessible unit(s) in any project, not to exceed 15% of the total number of units, and when the unit(s) shall be provided during the construction process.*
4. *The Zoning Board of Appeals, hereinafter referred to as “the Board”, may authorize an alternative method of compliance to be used, subject to a finding that it is in the best interests of the Town to do so. The Board may allow or require affordable housing units to be provided at an alternative site in Belmont suitable for residential use. Off-site housing units shall be comparable in all respects to the market rate housing units being created, and equal to the number of units otherwise required.*
5. *The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be pursuant to Rules and Regulations promulgated by the Board of Selectmen.*
 - a. *The selection process shall include a plan for marketing of the affordable housing units created under this bylaw. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.*
 - b. *To the extent practicable, Belmont residents shall be given preference for 70 percent of the affordable housing units created under this bylaw.*
 - c. *Developers may sell affordable for-sale units to the Town of Belmont, the Belmont Housing Trust, the Belmont Housing Authority, or to a private nonprofit entity formed in Belmont for the purpose of providing affordable housing opportunities, in order that such entity carry out the steps needed to market the affordable housing units and manage the choice of buyers.*

6.10.8 Timing of Construction:

1. *Occupancy permits for any market-rate housing unit or nonresidential space shall be issued at an equal ratio of occupancy permits for required affordable housing units or housing payments to the entire project.*
2. *All documents necessary to ensure compliance with this bylaw shall be subject to the review and approval of the Zoning Boards of Appeals and Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.*

6.10.9 Severability, Conflict with Other Bylaws

1. To the extent that a conflict exists between this bylaw and other bylaws of the Town of Belmont, the more restrictive provisions shall apply.
2. If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this bylaw shall not affect the validity of the remaining sections or parts of sections or the other Bylaws of the Town of Belmont.”

or in any way act thereon.

SUB-ARTICLE B

To see if the town will vote to amend the Zoning By-Law of the Town by deleting the letter “N” (for not allowed) under the General Residence (GR) Zoning District from Section 3.3 “Schedule of Use Regulations, Cluster Development” and substitute therefore with “SP” for allowed by Special Permit:

	DISTRICTS							
	SR-A,B,C,D	GR	AH	LBI	LBII	LBIII	GB	PL
Cluster development (see §6.5).....	SP	SP	N	N	N	N	N	N

or in any way act thereon.

SUB-ARTICLE C

To see if the town will vote to amend the Zoning By-Law of the Town by inserting a new use entitled “Residential” to Section 3.3 “Schedule of Use Regulations, Accessory Uses” after “Lodging and Boarding” and before “Sale of food or drink ready for consumption without further preparation” as follows:

	DISTRICTS							
	SR-A,B,C,D	GR	AH	LBI	LBII	LBIII	GB	PL
Residential - provided that at a minimum the first floor is to be reserved for commercial use subject to the provisions of the Inclusionary By-Law.	N	N	N	SP	N	N	N	N

or in any way act thereon.

SUB-ARTICLE D

To see if the town will vote to amend the Zoning By-Law of the Town by adding to Section 4.2.1 “Schedule of Dimensional Regulations, Area Requirements” under LBII footnote (1) and the text

“See §4.4” to “Maximum Floor Area Ratio” and footnote (3) and the text “See §4.4” to “Maximum Lot Coverage” to read as follows:

DISTRICTS	MINIMUM LOT AREA SQ.FT	MINIMUM LOT FRONTAGE FEET	MAXIMUM FLOOR AREA RATIO	MAXIMUM LOT COVERAGE % OF LOT	MINIMUM OPEN SPACE % OF LOT
LB II	--	20	1.05 ¹ See §4.4	35% ³ See §4.4	--

To see if the Town will vote to amend the Zoning By-Law of the Town by deleting from Section 4.2.1 “Schedule of Dimensional Regulations, Area Requirements” footnote (1) and substituting therefore the following:

“(1) In an LBI District, an increased floor area ratio up to a maximum of 3.0, and in the LBII District, an increased floor area ratio up to a maximum of 2.1 may be allowed by special permit from the Board of Appeals (See §4.4).”

To see if the Town will vote to amend the Zoning By-Law of the Town by inserting a new footnote (3) to Section 4.2.1 “Schedule of Dimensional Regulations, Area Requirements” after footnote (2) as follows:

“(3) In LBII Districts, where a proposed non-residential development is greater than 5,000 square feet, an increased lot coverage up to a maximum of 50% may be allowed by special permit if the Board of Appeals determines that the proposal will be consistent with the character of the surrounding area and that the proposal will subject to the provisions of the Inclusionary Zoning By-Law.”

or in any way act thereon.

SUB-ARTICLE E

To see if the Town will vote to amend the Zoning By-Law of the Town by adding to Section 4.2.2 “Schedule of Dimensional Regulations, Linear Requirements” under the LBI and LBII Zoning Districts footnote (12) and the text “See §4.4” to the “Maximum Building Height, Feet and Stories” to read as follows:

4.2.2 Linear Requirements

DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Feet</i>	<i>Stories</i>
LB I ⁹	5	6 or	6 or none ⁹	28 ¹² See § 4.4	2 ^{10,11, 12} See § 4.4

		<i>none</i> ⁹			
<i>LBII</i>	<i>10</i>	<i>20</i> ⁹	<i>20</i> ⁹	<i>28</i> ¹² <i>See § 4.4</i>	<i>2</i> ^{10,11, 12} <i>See §4.4</i>

To see if the Town will vote to amend the Zoning By-Law of the Town by adding a new footnote (12) to Section 4.2.2 “Schedule of Dimensional Regulations, Linear Requirements” the following:

“(12) In LBI and LBII Districts, an increased building height, up to a maximum of 36 feet and 3 stories, may be allowed by special permit from the Board of Appeals (See §4.4).”

or in any way act thereon

SUB-ARTICLE F

To see if the Town will vote to amend the Zoning By-Law of the Town by deleting from Section 4.4 “Local Business I Exceptions” the title and introductory paragraph and replacing them so as to read as follows:

“4.4 Local Business I and II Special Permit Criteria

In the Local Business I and II Districts the Board of Appeals may, acting on a special permit application, authorize certain increased limits to floor area ratio, lot coverage, and building height, as provided in Section 4.2. In acting upon applications for such increase, the Board shall consider the following, in addition to the criteria for special permits generally (Section 7.4.2).”

or in any way act thereon.

SUB-ARTICLE G

To see if the Town will vote to amend the Zoning By-Law of the Town by adding to Section 5.1.1 “Off-Street Parking and Loading, Number of Spaces” the following new subsection “c” and by re-ordering the existing sub-sections d) and e):

“c) In the LBI and LBII Districts, in a development subject to compliance with the provisions of the Inclusionary Zoning By-Law, the number of spaces may be reduced to less than that stipulated below if, in acting on a Special Permit application, the Board of Appeals determines that a reduced number of spaces would be adequate to meet the needs of such development. ”

or in any way act thereon.

SUB-ARTICLE H

To see if the Town will vote to amend the Zoning By-Law of the Town by adding the new the text “including diversity in type and affordability” at the end of the existing sentence within subsection b) of Section 6.3.1 “Public Building and School Conversion, Objectives” so the revised text will read:

“b) To provide additional housing units, including diversity in type and affordability.”

or in any way act thereon.

SUB-ARTICLE I

To see if the Town will vote to amend the Zoning By-Law of the Town by adding the new sentence: “However, for those developments subject to the Inclusionary Zoning By-Law a minimum 1,000 square feet would be allowed” at the end of the existing sentence within subsection c) of Section 6.3.3 “Public Building and School Conversion, Special Permit Criteria” so the revised text will read:

“c) There will be provided a minimum of 1,200 square feet of lot area per dwelling unit. However, for those developments subject to the Inclusionary Zoning By-Law a minimum 1,000 square feet would be allowed.”

or in any way act thereon.

SUB-ARTICLE J

To See if the Town will vote to amend the Zoning By-Law of the Town by inserting a new subsection “d)” at the end of Section 6.5.1 “Cluster Development, Objectives” the following:

“d) Creating opportunities for affordable housing.”

or in any way act thereon.

SUB-ARTICLE K

To see if the Town will vote to amend the Zoning By-Law of the Town by inserting at the end of Section 6.5.2 “Cluster Development, Tract Size” the following minimum requirement:

“General Residence - 35,000 sq. ft.”

To see if the Town will vote to amend the Zoning By-Law of the Town by inserting at the end of Section 6.5.2 “Cluster Development, Tract Size” a new paragraph after the existing as follows:

“In the General Residence Zoning District, where seven (7) or more housing units will be developed, smaller tract sizes may be permitted if, in acting on Special Permit, the Board of Appeals determines that the proposal will be consistent with the character of the surrounding area and subject to the provisions of the Inclusionary Zoning By-Law.”

or in any way act thereon.

SUB-ARTICLE L

To see if the Town will vote to amend the Zoning By-Law of the Town by adding to Section 6.5.3 “Cluster Development, Number of Dwelling Units” a new paragraph after the existing as follows:

“In the General Residence Zoning District, where a smaller tract size will be utilized (§6.5.2), the maximum number of dwelling units shall be determined by the Zoning Board of Appeals if, in acting on Special Permit, the Board of Appeals determines that the proposal will be consistent with the character of the surrounding area and subject to the provisions of the Inclusionary Zoning By-Law.”

or in any way act thereon.

SUB-ARTICLE M

To see if the Town will vote to amend the Zoning By-Law of the Town by adding the new the text “or provide affordable housing opportunities pursuant to Section 6.10 of this By-Law” at the end of the existing sentence within subsection b) of Section 7.4.2 “Special Permits, b) Activity Type and Mix” so the revised text will read:

“b) Activity Type and Mix.

1) Residential proposals should serve housing needs of local residents, broaden the diversity of housing within the Town, or provide affordable housing opportunities pursuant to Section 610 of this By-Law.”

or in any way act thereon.

This article seeks to establish an Inclusionary Housing By-Law, so called, requiring developers of property to make provisions for the creation of affordable housing. Enclosed in this packet is a report from the Fair Housing Committee and Belmont Housing Trust explaining the merits of the proposal.

The Planning Board voted (5-0) to recommend passage of this Article.

Two-thirds vote required for passage

Yes _____ No _____

ARTICLE 23: Authorization to Fund Permanent Senior Center with Insurance Proceeds

To see if the Town will vote to use whatever portion is required from the Kendall School insurance proceeds to build a new, permanent Belmont Senior Center at the former Kendall School site on Beech Street. This new senior center is to be designed primarily and specifically, but not exclusively, for use as a senior center.

At the Town's discretion and with Town staffing other meetings and activities may be scheduled at the site when the senior center would normally be closed.

With the passage of this article the Town of Belmont shall immediately start the design and construction process without further delay.

This article had been included upon the petition of ten or more voters and seeks to utilize funds from the settlement of the Kendall fire insurance settlement (\$5.3 million, including \$900,000 transferred to the Capital Endowment Fund by the November 2001 Special Town Meeting) to design and construct a new Senior Citizens Center at the former Kendall School site. While not explicit, it is presumed that the costs and scale of this project would be consistent with the results of the feasibility study referenced in Article 14.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 24: Amendment to By-Law—Composition of Board of Selectmen

To see if the Town will vote to change ARTICLE 4.1 as follows:

The Board of Selectmen shall consist of ~~three~~ five members elected by ballot at the annual town election for a term of three years. One member shall be elected each year. Election for three members will be held in April, 2003 at a date to be determined.

This article has been included upon petition of ten or more voters and seeks to change the composition of the Board of Selectmen from three to five members.

The Warrant Committee recommendation will be included in its report to Town Meeting. The By-Law Review Committee will report orally at Town Meeting.

Two-thirds vote required for passage Yes_____ No_____

ARTICLE 25: Removal of Town Hall Annex from Historic District

To see if the Town will vote to remove the Belmont Town Hall Annex located at 19 Moore Street from the local Historic District as indicated in a drawing on file with the Town Clerk.

This article has been included upon petition of ten or more voters (along with a companion Article 26) and seeks to remove the Belmont Town Hall Annex from the Pleasant Street Historic District in order to allow for its demolition. Such a petition requires substantial process and legal requirements outlined in the state Historic Districts Act.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes_____ No_____

ARTICLE 26: Appropriation to Construct New Town Hall Annex

To see if the Town will vote to appropriate a sum of money for the demolition, design, and construction of a new Town Hall Annex at the site of the existing Town Hall Annex to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.

This article has been included upon petition of ten or more voters (along with a companion Article 25) and seeks to demolish the existing Town Hall Annex and construct a new Town Hall Annex in substantially the same location. Consideration of this article is conditional upon passage of Article 25.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage (two-thirds if borrowing) Yes_____ No_____

ARTICLE 27: Proposal for Required Quarterly Report

To see if the Town will vote to provide Belmont’s voters with a written quarterly update on the Town’s state of affairs.

This information will provide Belmont’s voters with a continuous flow of information regarding the Town’s operational successes, challenges, and opportunities.

The mailing would include brief summaries of Selectmen, Warrant Committee, and Capital Budget Committee meetings and project status’, information regarding newly formed committees, and quarterly reports from various town department heads to the Town Administrator, including current budget vs. actual status.

This article has been included upon petition of ten or more voters and seeks to require a quarterly update of the Town’s affairs to be provided to every Belmont voter.

The Warrant Committee recommendation will be included in their report to Town Meeting.

Majority vote required for passage Yes_____ No_____

Given under our hands this first day of April 2002.

BOARD OF SELECTMEN

William P. Monahan

William N. Brownsberger

Anne Marie S. Mahoney

ARTICLE 3: Appropriation (Transfer) of Funds

To see if the Town will vote to appropriate a sum of money and to transfer funds previously appropriated for fiscal year 2001 from certain accounts all to the Reserve Fund to provide for extraordinary or unforeseen expenditures, or in any way act thereon.

This article seeks the appropriation (transfer) of funds previously appropriated but unexpended in the Fiscal Year 2002 budget to the Reserve Fund to provide for unforeseen expenditures. Extraordinary expenditures include unanticipated increases in health care enrollments and actual health care costs in the Town’s self-insured program.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes_____ No_____

ARTICLE 4: Authorization of Easements for Pleasant Street Construction

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or to take by eminent domain easements on and over certain parcels of land and interests therein for the purpose of obtaining a secure and public right of way, in connection with the construction and maintenance of roadway improvements for the Pleasant Street Reconstruction Project; said parcels are shown on the plans entitled “Easement Plan of Land Pleasant Street in Belmont, MA, Scale 1”=20’, April 1, 2002 by The BSC Group, Inc.” a copy of said plan being on file with the Town Clerk’s Office; to appropriate a sum of money for said purpose, to determine whether said sum shall be raised by borrowing or otherwise; or in any way act thereon.

This article allows the Town to acquire easements of land, including by eminent domain, in connection with the construction and maintenance of roadway improvements for the Pleasant Street reconstruction project. These approvals are necessary in order to accommodate the state funded reconstruction of Pleasant Street.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes_____ No_____

Given under our hands this eighth day of April 2002.

BOARD OF SELECTMEN
William N. Brownsberger
Anne Marie S. Mahoney
Paul Solomon

