



October 29, 2009

Dear Town Meeting Members:

Please find enclosed the Warrant and Motions for the upcoming Special Town Meeting, which is scheduled for Monday, November 16, and (if necessary) Wednesday, November 18. As in the recent past, 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. However, at the beginning of this Meeting, the Town Moderator will ask Members to take a non-binding vote on the question of beginning future Town Meetings at 7:00 PM instead of 7:30, in order to be able to conduct more business in a single evening without having to run too late. Please feel free to discuss this with your family and with your fellow Members in advance so that we may avoid the need for debate during the Meeting.

When reviewing the Motions, please note that the motion under Article 10 is a motion to dismiss the Article; it is the intention of the Selectmen to consider this item at the Annual Town Meeting in April 2010. Also, we regret that we cannot provide you at this time with the Motions for Articles 13 and 14 pertaining to the FY10 budget. As of this mailing, we are still awaiting information from the state regarding possible reductions in local aid that may require action by Town Meeting to balance the FY10 budget. You will receive Motions for these Articles in a separate mailing as soon as they are available if it is determined that action on these items is necessary.

The Warrant, motions and additional information can all be found in the Town Meeting section of the Town's web page:  
[http://belmontma.virtualtownhall.net/Public\\_Documents/BelmontMA\\_WebDocs/townmeeting/index](http://belmontma.virtualtownhall.net/Public_Documents/BelmontMA_WebDocs/townmeeting/index).

You are also encouraged to attend the Warrant Discussion Evening, a program sponsored by the League of Women Voters and the Warrant Committee designed to educate Town Meeting Members on aspects of articles in the Warrant. This year's program is scheduled for **Tuesday, November 10, at 7:30 PM** at the Chenery Middle School.

We look forward to a productive Town Meeting.

Sincerely,

Daniel Leclerc, Chairman  
Ralph Jones, Vice Chairman  
Angelo Firenze

BOARD OF SELECTMEN



TOWN OF BELMONT  
WARRANT FOR  
SPECIAL TOWN MEETING



CHENERY MIDDLE SCHOOL  
AUDITORIUM  
NOVEMBER 16, 2009  
7:30 P.M.

TOWN OF BELMONT  
WARRANT FOR SPECIAL TOWN MEETING  
NOVEMBER 16, 2009

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 Town Affairs, to meet at the Chenery Middle School Auditorium on Monday, November 16, 2009 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 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 Special Town Meeting to allow town officials and committees to report when necessary.

Two-thirds vote required for passage                      Yes \_\_\_\_\_ No \_\_\_\_\_

**ARTICLE 2: Legislative Petition – Recall of Elected Officials**

*To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for the passage of a special law substantially in the following form, or in any way act thereon:*

***“AN ACT AUTHORIZING THE TOWN OF BELMONT  
TO RECALL ELECTED OFFICIALS***

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.*** *Any person who holds an elected town-wide office in the town of Belmont, except a member of the housing authority, may be recalled and removed therefrom by the qualified voters of the town as herein provided.*

***SECTION 2.*** *Any two hundred or more registered voters of the town of Belmont at least twenty-five of whom shall be from each precinct, may initiate a recall petition by*

*filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon, within five business days, deliver to the voter first named on the affidavit a sufficient number of copies of petition blanks requesting such recall. The blanks shall be dated and addressed to the board of selectmen, shall contain the names of the first 10 signers of the affidavit, the name and office of the person sought to be recalled, the grounds for recall as stated in the affidavit, and shall request the election of a successor to such office. A copy of the form of the petition shall be filed in the office of the town clerk.*

*SECTION 3. If, within thirty days of the delivery by the town clerk of the petition forms, the petition signed by not less than twenty per cent of the registered voters of the town, including at least five per cent of the registered voters from each precinct, as the names and addresses of all such voters appear on the list of registered voters of the Town, is filed with the town clerk, and found by the clerk to be sufficient, the clerk shall, within five business days, submit the petition to the board of selectmen. The board of selectmen shall immediately deliver to the elected officer whose recall is sought written notice of their receipt of the petition and shall, if the officer sought to be recalled does not resign within five days thereafter, forthwith order a special election to be held not less than sixty-four nor more than eighty days after the date of the selectmen's receipt of the petition; provided, however, that if any other town election is to occur within one-hundred days after the date of the submission, the selectmen may, in their discretion postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.*

*SECTION 4. Any officer sought to be recalled may be a candidate to succeed to the office and, unless the officer requests otherwise in writing, the town clerk shall place the name of such officer on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.*

*SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If the recall fails, or if the incumbent is reelected, the incumbent shall continue in the office for the remainder of the unexpired term, except as provided in this act. If not reelected in the recall election, the officer shall be deemed removed upon the qualification of the elected successor, who shall hold office during the balance of the unexpired term.*

*SECTION 6. Ballots used in a recall election in the town shall submit the following propositions in the order indicated:*

*For the recall of (name and title of officer whose recall is sought),  
Against the recall of (name and title of officer whose recall is sought),*

*The names of the candidates who have been nominated to succeed to the office of the person subject to recall shall be set forth below the propositions along with such instructions as may be necessary for the voter.*

*If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.*

*SECTION 7. No recall petition shall be filed against an officer within six months after the officer takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.*

*SECTION 8. This act shall take effect upon its passage."*

This article would petition the state Legislature to pass a law creating a mechanism by which the voters of Belmont can recall an elected official before the end of their term. The measure is part of a package of reforms to the structure of Belmont's town government recommended by the Government Structure Review Committee.

Majority vote required for passage

Yes \_\_\_\_\_ No \_\_\_\_\_

**ARTICLE 3: Legislative Petition – Number of Town Meeting Members**

*To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for the passage of a special law substantially in the following form, or in any way act thereon:*

***“AN ACT AMENDING THE REPRESENTATIVE TOWN MEETING ACT OF THE TOWN OF BELMONT***

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 first sentence of clause (b) of section 2 of chapter 302 of the acts of 1926, as amended, is hereby further amended by striking out the words “two hundred and eighty-eight” and inserting in their place the following words: “two hundred and sixteen”.*

*SECTION 2. Clause (b) of section 2 of said chapter 203 is hereby amended by inserting at the end the following paragraph:*

*At the first annual town election occurring not less than three months following a decrease in the total town meeting membership elected from precincts, all town meeting members from each precinct may serve the full term for which they were elected, and the decrease shall be brought about over a period of three years through the election for a three-year term at each of the next three annual town elections of one-third of the number of town meeting members to which the precinct is then entitled. During this interim period, vacancies created by retirement, death, removal or the like, shall not be filled unless the remaining membership from the precinct for the same term would be below one-third of the number to which the precinct is then entitled.*



**ARTICLE 5: Local Meals Excise Tax**

*To see if the Town will vote to accept the provisions of G.L. c.64L, §2A, to impose a local meals excise to take effect on January 1, 2010, or in any way act thereon.*

This article would impose a local tax of 0.75% on restaurant meals in Belmont as authorized by a recently passed state law. The tax would be collected along with state sales tax and the amount returned to the Town of Belmont as general revenue. The state Department of Revenue estimates that such a tax would generate \$51,295 in revenue for the Town in the second half of FY2010 and approximately double that, or \$102,500, for the first full year in FY2011.

Majority vote required for passage Yes \_\_\_\_\_ No \_\_\_\_\_

The Warrant Committee will report orally on this Article.

**ARTICLE 6: Climate Action Plan Resolution**

*To see if the Town will vote to adopt the following resolution, or take any action thereon:*

*“WHEREAS, it is acknowledged that there is concern for the productivity and the stability of the Earth’s environment, human health, and the global economy related to climate change; and*

*WHEREAS, the reduction of the use of fossil fuels through conservation and improved efficiency can save money for the Town of Belmont, our community businesses, institutions, and residents; and*

*WHEREAS, the increased development of renewable energy sources can lessen our nation’s dependence on foreign oil, improve our national security, and spur domestic job creation; and*

*WHEREAS, the Commonwealth of Massachusetts passed in 2008 the Global Warming Solutions Act committing the state to eighty percent (80%) reduction of greenhouse gas emissions by 2050 and aggressive interim reductions; and*

*WHEREAS, Sustainable Belmont, on behalf of the Town, has developed a Climate Action Plan for the Town that shows the annual carbon dioxide emissions attributable to Belmont’s residents, businesses, institutions, and Town government in 2007 were 277,036 tons of carbon dioxide emissions; and*

*WHEREAS, the Belmont Climate Action Plan is a working blueprint for the community that addresses the shared responsibility of reducing our carbon dioxide emissions eighty percent (80%) by 2050, therefore be it*

*RESOLVED, that the Town of Belmont:*

*ACKNOWLEDGES the concern for the Earth’s environment, human health, and the global economy related to climate change;*

*SUPPORTS the decision of the Board of Selectmen to constitute and appoint an Energy Committee for the Town to review the Belmont Climate Action Plan as a reference document toward the goal of reducing the community’s carbon dioxide emissions eighty percent (80%) by 2050 based on 2007 emissions, and for said Committee to provide an annual assessment to the*



*RECOMMENDS that the Belmont Board of Selectmen schedule a Special Town Meeting to formally reject the Minuteman Career and Technical High School budget submitted by the 16-member Minuteman School Committee; and be it further*

*RESOLVED, that a copy of these resolutions be forwarded by the Town Clerk to the Superintendent-Director of the Minuteman Career and Technical High School, and to the Chair of the Finance Committee in each of the other 15 Minuteman Member Towns.*

This article would adopt a non-binding resolution recommending that if the FY2011 per-pupil cost for Belmont for the Minuteman vocational high school does not decrease, and the school does not decrease its overall operating cost, that the Selectmen schedule a Special Town Meeting to reject the FY2011 Minuteman budget.

Majority vote required for passage

Yes \_\_\_\_\_ No \_\_\_\_\_

**ARTICLE 8: Amendment to Zoning By-law: Central/Palfrey Squares Interim Planning Overlay District**

*To see if the Town will vote to amend the Town of Belmont Zoning By-Law by adding after Section 6C "The Oakley Neighborhood Smart Growth Overlay District" a new Section 6D "Central/Palfrey Squares Interim Planning Overlay District" as follows:*

**"SECTION 6D: CENTRAL/PALFREY SQUARES INTERIM PLANNING OVERLAY DISTRICT**

**6D.1 General**

**1. Purpose**

*The purpose of the Central/Palfrey Squares Interim Planning Overlay District (CP-IPOD) is to provide a temporary zoning and regulatory system for the development and/or redevelopment of land within the district while the Town engages in development of a comprehensive plan for the Town. The Central/Palfrey Area has recently had several property turnovers and is experiencing a shift from its former automotive related businesses to neighborhood oriented businesses. New development should complement the recent trends while mitigating adverse impacts on the natural environment, traffic, the local economy, and neighborhood character. The CP-IPOD provides a mechanism to allow for development that promotes sound land use planning goals and objectives during the course of the Town's comprehensive planning process.*

**2. Boundary of the Central/Palfrey Squares Interim Overlay Planning District**

*The CP-IPOD boundary is shown on the CP-IPOD map and is generally described as the parcels within the area bounded by Maple Street, Beech Street, and Trapelo Road; the parcels on the southern side of Trapelo Road extending from Beech Street to Walnut Street; the parcels on the southern side of Trapelo Road extending from parcel 14-236 to parcel 14-225; the parcels on the northern side of Trapelo Road extending from parcel 14-40 to parcel 27-53; and including parcels 14-36 and 14-38 all as listed on the Town's Tax Assessors Map. The CP-IPOD boundaries shall be superimposed on the Town of Belmont Zoning District Map so as to indicate the extent of the CP-IPOD.*

**3. Applicability**

*The CP-IPOD shall be construed as overlaying other existing zoning districts. The CP-IPOD confers additional development rights that may be employed at the discretion of the property owner, subject to the requirements of this Section 6D.*

*CP-IPOD development projects shall be eligible for a Special Permit in accordance with Section 6D.3 and 6D.4 to increase building height and/or exceed otherwise applicable square footage limitations.*

*a. Existing Zoning Districts*

*The CP-IPOD does not in any manner remove or alter the zoning rights permitted by the underlying, existing zoning districts.*

**4. Time Limitation**

*The provisions of this Section 6D shall expire upon final adjournment of the 2012 Annual Town Meeting.*

**6D.2 Development Projects**

**1. Eligible Development Projects**

*A development project shall be located on either a single lot, or on a single premises consisting of an assemblage of lots, whether or not in common ownership having an area exceeding 12,000 square feet in size. Applicant must demonstrate legal site control of the properties.*

**2. Requirements**

*A Special Permit, subject to Section 7.4, shall be required for all projects submitted under this Section 6D.*

*a) Special Permit Granting Authority*

*The Special Permit Granting Authority shall be the Planning Board.*

*b) Special Permit Considerations:*

- i. Relationship to existing abutting structures*
- ii. Mitigation of impacts on abutting properties*
- iii. Appropriateness of design and bulk*
- iv. Community benefits*
- v. Is increased size of the building, as allowed under the CP-IPOD Overlay Zoning District, necessary for the project to proceed*
- vi. Utilization of sustainable building techniques including use of permeable pavements*
- vii. All criteria as specified in Section 7.4.3*
- viii. Conformity with Town of Belmont Planning Board Design Review Guidelines*

### **6D.3 Permitted Uses**

*The following uses shall be allowed within a CP-IPOD development project.*

- a. *Mixed use development projects consisting of any combination of retail sales, office, restaurant, movie theater, or art gallery, provided that at a minimum the first floor is reserved for commercial uses and that the development project includes a residential component and will be subject to the requirements of Section 6.10, Inclusionary Housing, and Section 6D.4.5;*
- b. *Retail sales and services;*
- c. *Office;*
- d. *Restaurants*
- e. *Movie theaters; and*
- f. *Art galleries.*

### **6D.4 Performance Standards**

#### **1. Height of Structures**

- i. *A building height of 36 feet and 3 stories may be allowed taking into account the criteria provided in Sections 4.4 and 7.4.3 and subject to Section 6D.2.2.*
- ii. *Building Height in the CP-IPOD is as defined in Section 1.4 of the Town's Zoning By-Law.*
- iii. *Grade in the CP-IPOD is defined as the average of the ground level adjoining the building side nearest to and running parallel with Trapelo Road.*
- iv. *Chimneys, towers and other projections not used for human occupancy may exceed the height limitations provided that any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit.*

#### **2. Setbacks**

- a) *Front: The maximum front setback shall be zero (0) feet for the front and street side facades.*
- b) *Side: The minimum side setback shall be zero (0) feet. When abutting a residential district, the minimum side setback shall be 20 feet.*
- c) *Rear: The minimum rear setback shall be zero (0) feet. When abutting a residential district, the minimum side setback shall be 20 feet.*

*The Planning Board may modify any setback requirement if, in its opinion, such modification will result in improved design.*

#### **3. Lot Coverage**

*Lot coverage of 35% may be increased up to 55% by taking into account the criteria provided in Section 4.4 and Section 7.4.3 and one or more of the following considerations:*

- a. *Provision of significant amount of open space on the site; and/or*

- b. *Provision of a green roof, as currently defined by the Green Building Council, on a minimum of 20% of the roof area of the structure; and/or*
- c. *Provision of increased front setback to allow an increase in actively used "public" sidewalk space, such as outdoor seating and/or gathering space.*

**4. Floor Area Ratio (FAR)**

*The FAR, not to exceed 2.75, may be allowed taking into account the criteria provided in Section 4.4, Section 7.4.3 and whether the project includes underground parking on the site.*

**5. Underground Parking**

*Underground parking when utilized for a development project under this Section 6D shall not count towards the allowable FAR or number of stories of that development project.*

**6. Ground Floor Uses**

*The ground floor of any building shall be reserved for allowed business uses except as specified below:*

- i. *office use shall not exceed 2,500 square feet on the ground floor; and*
- ii. *residential uses shall be allowed on ground floors of buildings where the building façade does not front on Trapelo Road and the Planning Board has determined that the street front residential use will not have an adverse impact on the continuity of the commercial street-front uses of other properties.*

**6D.5 Special Permit Application**

*All applications for a Special Permit in the CP-IPOD will follow Sections 7.4.4 and Section 7.4.5 of the Town of Belmont Zoning By-Law for the application procedures.*

**6D.6 Coordination with Other Provisions of By-Law**

*This Section 6D together with the rest of this By-Law constitutes the zoning regulations for the Central/Palfrey Squares Overlay District. Where conflicts exist between this Section 6D and the rest of the By-Law, the provisions of this Section shall govern."*

*, or in any way act thereon.*

*This article seeks to create a zoning "overlay" district which would sit over the existing zoning in the Central/Palfrey Square area and is intended to encourage redevelopment that is in harmony with the Town's land use goals and the values of the community. Developers would have the option of submitting proposals under the overlay zoning or under the original zoning.*

Two-thirds vote required for passage

Yes \_\_\_\_\_ No \_\_\_\_\_

The Planning Board will report on this Article.

**ARTICLE 9: Amendment to Zoning By-law: Inclusionary Housing**

*To see if the Town will vote to amend the Town of Belmont Zoning By-Law by deleting Section 6.10 "Inclusionary Housing" in its entirety and replacing it with a new Section 6.10 "Inclusionary Housing" as follows:*

"

**6.10 Inclusionary Housing**

**6.10.1 Purpose**

*The purpose of this By-Law 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; and to increase the production of affordable housing units to meet existing and anticipated employment needs within the Town.*

**6.10.2 Definitions**

- 1) Affordable Housing Trust Fund: *An account established and operated for the exclusive 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 Belmont Housing Trust.*
- 2) 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, including all mandatory or unavoidable fees, 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; or*
  - c. *affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at 760 CMR 30.02, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program (LIP).*
- 3) Annual Shelter Cost:
  - a. *For owners, the aggregate of annual charges for debt service on a mortgage (assuming a 5% 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.*
  - c. *For assisted living facilities, the aggregate of annual charges for rent, utilities (except telephone), and renters insurance and all other mandatory charges imposed as a condition of residency by such facility.*
- 4) 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 fifteen years immediately preceding application for a Belmont affordable housing unit, actually attended the Belmont Public Schools.*
- 5) Comparable Unit: *When used with respect to quality, character, and room size, means that there are sufficient features in common between the Affordable Housing Unit and the market rate unit so as to render the units similar in nature. Moreover, while the actual design or finishes provided in the Affordable Housing Units versus the Market Rate Unit may differ in a non-material fashion and still constitute comparable units, the same amenities proposed for the Market Rate Unit must be provided for the Affordable Housing Units, including without limitation full kitchen, full bath, and parking. Further, the actual room size for the Affordable Housing Unit may not differ in any significant manner to that of the market rate unit.*
- Notwithstanding the foregoing, when used with respect to external appearance, location and bedroom distribution, means that the external appearance of the Affordable Housing Unit and the market unit must be so similar in nature so as to render them indistinguishable while the location of the Affordable Housing Units and the bedroom distribution of such units must be no different from that of the Market Rate Unit.*
- 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 By-Law shall survive any bankruptcy, insolvency, or other action, and shall not be subject to nullification for any reason.*
- 7) Housing Unit:
- a. *A dwelling unit or*
  - b. *A unit within a senior or assisted living facility.*
- 8) Mixed-Use Residential Development: *a multi-story development project with at a minimum the first floor reserved for commercial use, allowing common areas to access the upper floors.*

- 9) Qualified Affordable Housing Unit Purchaser or Tenant: A household with total annual income that does not exceed 80% 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) regardless of housing type or ownership.

**6.10.3 Applicability**

*This By-Law shall apply to all residential developments including mixed use residential developments for which an application for a building permit has been filed or for which a complete application for Design and Site Plan Review has been submitted to the Planning Board on or after November 16, 2009.*

*Developments of one (1) single or two-family home are exempted from this By-Law. Development projects (a project developed on a lot held in common ownership or a project developed on three or more contiguous lots) of more than one (1) single family or two-family home would not be exempted.*

**6.10.4 Affordable Housing Corporations**

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

**6.10.5 Requirements**

Project Size	Percent Affordable Units Required
12 or fewer dwelling units	10%
13 to 40 dwelling units <sup>1</sup>	12.5%
More than 40 dwelling units <sup>1</sup>	15% <sup>2</sup>

*Footnotes:*

- 1) *Rental projects with units for households at 50% or less of median income may reduce the total number of required affordable units by an amount equal to the number of units available to households at 50% or less of median income or by 25% of the Affordable Housing Units required whichever is less.*
- 2) *For mixed-use residential projects in the Town's commercial zoned districts, including any applicable overlay districts, the required percentage of affordable units shall be the lesser of the percentage otherwise applicable as set forth in Section 6.10.5 or 12.5%. Where the calculation of affordable units results in fractional units, a cash payment shall be made to the Affordable Housing Trust Fund based on the formula presented in Section 6.10.7.*

**6.10.6 Fractional Units**

**1) Owner Occupied Projects**

- a. *Where the calculation of affordable units results in fractional units, a cash payment shall be made to the Affordable Housing Trust Fund based on the formula in Section 6.10.7 multiplied by the fraction of affordable unit.*

**2) Rental Projects**

- a. *40 or fewer units –*

*Where the calculation of affordable units results in a fractional unit greater than .60 the fraction shall be rounded up to the next whole unit. Where the calculation results in a fractional unit less than or equal to .60 the fraction shall be rounded down to the next whole unit.*

- b. *More than 40 units -*

*Where the calculation of affordable units results in a fractional unit, the fraction shall be rounded up to the next whole unit.*

**6.10.7 Cash Payment in lieu of units**

*The Special Permit Granting Authority, in its sole discretion, may require a developer of non-rental housing units to make a cash payment, upon a recommendation from the Belmont Housing Trust, to the Affordable Housing Trust Fund for each affordable unit required.*

**1) Amount**

*The cash payment shall be determined as a percentage of the difference between the fair market value for a typical market-rate housing unit in the development and the price of an affordable unit as shown in the following Table.*

<i>Fair Market Value as percentage of Affordable Price</i>	<i>In-lieu Payment as percentage of Difference</i>
<i>Less than 300%</i>	<i>100%</i>
<i>300% or greater but less than 400%</i>	<i>95%</i>
<i>400% or greater but less than 500%</i>	<i>90%</i>
<i>500% or greater but less than 600%</i>	<i>85%</i>
<i>600% or greater</i>	<i>80%</i>

*The Fair Market Value shall be defined as the value of a typical market-rate housing unit in the development as determined by the Special Permit Granting Authority.*

*The Affordable Price shall be defined as the price of an affordable housing unit for a household at 80% of median income, as provided in Section 6.10.2(9), for a family the size of which is calculated by adding one (1) to the total number of bedrooms in the average unit.*

2) *Timing*

*Fifty percent (50%) of the calculated payment shall be made prior to the issuance of a building permit. The remaining fifty percent (50%) shall be paid upon issuance of the final certificate of occupancy.*

**6.10.8 General Provisions:**

- 1) *The Planning Board shall be charged with administering this By-Law and shall promulgate Rules and Regulations to implement its provisions.*
- 2) *Affordable housing units shall be dispersed throughout the building(s) and shall be comparable to market-rate housing units.*
- 3) *Provision of accessible units shall be as determined by Federal Regulations. Standards for accessible units shall comply with 24 C.F.R. Section 8.32. The Special Permit Granting Authority, in its discretion, may require the provision of affordable accessible unit(s) in any project, not to exceed 15% of the total number of affordable units, and may designate when the unit(s) shall be provided during the construction process. Affordable accessible units shall count towards both affordability and accessibility requirements.*
- 4) *The Special Permit Granting Authority 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 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 Planning Board.*
  - a. *The selection process shall include a plan for marketing of the affordable housing units created under this By-Law. 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 By-Law.*
  - 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 serving 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.*

**6.10.9 Annual Oversight and Monitoring**

- 1) *Initial and annual oversight and monitoring fees shall be assessed for all applicants. The fees shall be set as follows:*

a. Initial Fee -Due upon the signing of the Monitoring Services Agreement

<u>Total Units</u>	<u>Monitoring Fee</u>
0 – 12 units	\$3,500
13 – 40 units	\$6,000
41+ units	\$10,000

b. Subsequent Fees

*Ownership Projects – A fee not to exceed one percent (1%) of the resale of the affordable unit(s) collected at the time of sale.*

*For rental projects – A fee not to exceed one and one half percent (1.5%) of the annual rent of the affordable unit collected at the annual renewal of the lease.*

- 2) The fee shall be paid to the Belmont Housing Authority or other monitoring agent agreed upon by the applicant and the Special permit Granting Authority.*
- 3) An annual independent audit shall be provided to the Belmont Office of Community Development by any and all developers of any rental project.*

**6.10.10 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 By-Law shall be subject to the review and approval of the Special Permit Granting Authority and Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.*

**6.10.11 Severability, Conflict with Other By-Laws:**

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

*, or in any way act thereon.*

This article seeks to replace the section of the Zoning By-law that governs inclusionary housing with new language. “Inclusionary housing” refers to regulations that apply to new residential developments that require developers to help increase the number of affordable housing units in Belmont.

Two-thirds vote required for passage

Yes \_\_\_\_\_ No \_\_\_\_\_

The Planning Board will report on this Article.





Handwritten scribbles or faint markings, possibly illegible text or a signature.

**TOWN OF BELMONT  
SPECIAL TOWN MEETING  
NOVEMBER 16, 2009**

**Motions Under the Warrant Articles**

**ARTICLE 1**

MOVED: That Article 1 be laid on the table.

*This motion requires a two-thirds vote.*

**ARTICLE 2**

MOVED: That under Article 2 the reading of the proposed special law be dispensed with, the same being set forth in full under Article 2 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Board of Selectmen be, and hereby is, authorized to petition the General Court for the enactment of a special law in substantially the form, set forth in Article 2 of the Warrant for this Meeting.

**ARTICLE 3**

MOVED: That under Article 3 the reading of the proposed special law be dispensed with, the same being set forth in full under Article 3 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Board of Selectmen be, and hereby is, authorized to petition the General Court for the enactment of a special law in substantially the form, set forth in Article 3 of the Warrant for this Meeting.

**ARTICLE 4**

MOVED: That under Article 4 the reading of the proposed special law be dispensed with, the same being set forth in full under Article 4 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Board of Selectmen be, and hereby is, authorized to petition the General Court for the enactment of a special law in substantially the form, set forth in Article 4 of the Warrant for this Meeting.

**ARTICLE 5**

MOVED: That the Town vote to accept the provisions of G.L. c.64L, §2A, to impose a local meals excise to take effect on January 1, 2010.

**ARTICLE 6**

MOVED: That under Article 6 the reading of the proposed resolution be dispensed with, the same being set forth in full under Article 6 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to adopt the resolution set forth in Article 6 of the Warrant for this Meeting.

**ARTICLE 7**

MOVED: That under Article 7 the reading of the proposed resolution be dispensed with, the same being set forth in full under Article 7 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to adopt the resolution set forth in Article 7 of the Warrant for this Meeting.

**ARTICLE 8**

MOVED: That under Article 8 the reading of the proposed new Section 6D of the Zoning By-law of the Town, entitled "Central/Palfrey Squares Interim Planning Overlay District" be dispensed with, the same being set forth in full under Article 8 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the Zoning By-Law of the Town by inserting a new Section 6D "Central/Palfrey Squares Interim Planning Overlay District" as set forth in full under Article 8 in the Warrant for this meeting.

*The second motion requires a two-thirds vote.*

**ARTICLE 9**

MOVED: That under Article 9 the reading of the proposed amendment to Section 6.10 "Inclusionary Housing" of the Zoning By-law of the Town be dispensed with, the same being set forth in full under Article 9 in the Warrant for this meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the Zoning By-Law of the Town in Section 6.10 "Inclusionary Housing" as set forth in full under Article 9 in the Warrant for this meeting.

*The second motion requires a two-thirds vote.*

**ARTICLE 10**

MOVED: That Article 10 be dismissed.

**ARTICLE 11**

MOVED: That the sum of \$38,000,000 be and hereby is appropriated for the use of the Municipal Light Department to pay costs of designing, constructing and installing an electrical substation building, transmission cable and related structures, wires, poles, conduits and appurtenances, and its furnishings and equipment, and to acquire land or interests in land for municipal electrical purposes, and for the payment of all other costs incidental thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor, and that the Board of Selectmen, acting as the Municipal Light Board, is authorized to acquire by gift, purchase or eminent domain all or any portion of the land with improvements thereon located at 20 Flanders Road, the portion located within the Town of Belmont being shown as Parcel 4 on Assessor's Map 38, said land being described in the deed recorded with the Middlesex South District Registry of Deeds in Book 15897, Page 404, on such terms and conditions as the Selectmen deem appropriate.

*This motion requires a two-thirds vote.*

**ARTICLE 12**

MOVED: That the Town vote to authorize the Board of Selectmen to enter into an agreement or agreements for the lease of real property known as the "Telecommunications Tower", located on the roof of the structure at 460 Concord Avenue, for a term or terms exceeding ten years, but for not more than twenty years.

*This motion requires a two-thirds vote.*



## LETTER TO TOWN MEETING MEMBERS

From the Government Structure Review Committee

October 26, 2009

Dear Town Meeting Member,

The Warrant for the Special Town Meeting on November 16, 2009 will include 3 articles which propose changes in the structure of town government.

These changes were included in the recommendations given to the Selectmen on March 19, 2009 by the Government Structure Review Committee. \*

The Committee was appointed by the Selectmen in the spring of 2008, and its goals were to make recommendations for changes in the structure of our town government which would increase its efficiency and decrease cost, and which would lead to increased participation in town government by Belmont citizens. Several of our recommendations need more evaluation by Town Counsel and others before they are presented to Town Meeting, most likely next April. These include the responsibilities of the Town Administrator and the governance of the Belmont Municipal Light Department.

The articles on the warrant for November 16 are as follows:

Article 2: would provide a process for the recall of elected officials.

Unlike many municipalities in Massachusetts, Belmont does not have such a process presently in place.

Article 3: would reduce the number of Town Meeting Members from 288 to 216, and establish a minimum number of votes required for election to Town Meeting.

The Committee believes this reduction in number of Town Meeting Members will increase the efficiency of Town Meeting, and reduce the number of seats not filled in annual elections (10 % in each of the last two years).

Article 4: would give the Police Chief authority comparable to that of the Fire Chief.

Our Fire Chief has the authority to appoint all his/her subordinates. At present, the Selectmen appoint the Police Chief's subordinates.

Further explanation of these articles will be given at Town Meeting, and Committee members will be available to answer questions at the Meeting.

Members of the Committee will attend the League of Women Voters Warrant Discussion meeting on Tuesday, November 10 at the Chenery Middle School, and will be happy to meet with groups of Town Meeting Members, such as caucuses, or with any other groups before Town Meeting.

We believe these recommendations and those to come before you in the future will bring about a more efficient and ultimately less costly town government, and will increase citizens' involvement in our government.



The Government Structure Review Committee:

Joan Garland  
Henry Hall  
Ralph Jones  
Andy Levin (vice chair)  
Trish Lohmar  
Anne Marie Mahoney  
Bob McLaughlin  
Paul Solomon (chair)  
Becky Vose

\* Two other recommendations related to Town Meeting do not require Town Meeting action:

\*The warrant, including the budget and all committee reports related to articles on the warrant, should be distributed to Town Meeting Members at least two weeks before the Annual Town Meeting is convened.

\* The Town should consider a Town Meeting Member Association.