

**TRANSCRIPT
TOWN OF BELMONT
SPECIAL TOWN MEETING
NOVEMBER 17, 2003**

[The First Session of the Special Town Meeting of the Town of Belmont was called to order in the Auditorium of the Chenery Middle School on November 17, 2003, at 7:30 o'clock p.m., by the Moderator, Henry L. Hall, Jr.]

Town Meeting heard a presentation from Dr. Alper, Chair of the Youth Commission.

Town Meeting heard a presentation from the Warrant Committee regarding Fiscal Year 2005.

ARTICLE 1
Reports

MR. BROWNSBERGER: MOVED That Article 1 be laid on the table.

The motion is unanimously adopted.

ARTICLE 2

DR. SOLOMON: MOVED That there be, and hereby is, appropriated the sum of \$90,000 for design services toward a Master Plan for renovations at Belmont High School, said sum to be raised by transfer from the "Special Revenue Fund - Kendall Fire Insurance Reimbursement" account and expended under the direction of the School Committee.

The motion is adopted.

ARTICLE 3

MRS. MAHONEY: MOVED: That the Town vote to limit participation in the Early Retirement Incentive Program established by Section 116 of Chapter 46 of the Acts of 2003 as follows:

1. For the purposes of the Early Retirement Incentive Program, the term "department" shall mean a Town payroll department.
2. Participation in the Early Retirement Incentive Program shall be limited to eligible employees within the following payroll departments:
 - a) Department 23 (Public Safety Communications)
 - b) Department 44 (Street Maintenance)
 - c) Department 45 (Sanitary Sewer)
 - d) Department 53 (Cemetery)
 - e) Department 58 (Council on Aging)
 - f) Department 88 (Human Resources)
 - g) Department 526 (Water Administration)
 - h) Department 833 (Municipal Light Department).

The motion is unanimously adopted.

ARTICLE 4

DR. ALPER: MOVED: That the Town vote to amend Article 4 of the General By-Laws of the Town, entitled "Board of Selectmen," by adding a new Section 4.14 as follows:

"4.14 The Selectmen shall, pursuant to Chapter 98, Section 34, of the General Laws, appoint a sealer, and may appoint one or more deputies to act under the direction of the sealer. Notwithstanding the provisions of Section 56 of Chapter 98, of the General Laws, the fees of the sealer of weights and measures for sealing the following weighing or measuring devices shall be:

1. Each scale with a weighing capacity of more than ten thousand pounds, one hundred fifty dollars.
2. Each scale with a weighing capacity of five thousand to ten thousand pounds, one hundred dollars.

3. Each scale with a weighing capacity of one thousand to five thousand pounds, fifty dollars.
4. Each scale with a weighing capacity of one hundred to one thousand pounds, fifty dollars.
5. Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds, fifteen dollars.
6. Scales and balances with a weighing capacity of ten pounds or less, fifteen dollars.
7. Each liquid capacity measure, except vehicle tanks, of the capacity of more than one gallon and measures on pumps, fifteen dollars.
8. Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is one-half inch or less, twenty dollars, more than one-half inch but not more than one inch, twenty dollars; for each such type of liquid measuring meter, the diameter of the inlet pipe of which is more than one inch, the following shall apply, vehicle-tank pump fifty dollars, vehicle-tank gravity fifty dollars, bulk storage one hundred dollars, bulk storage user furnishes certified provider one hundred dollars.
9. Each taximeter or measuring device used upon vehicles to determine the cost of transportation twenty dollars.
10. Each machine or other mechanical device used for determining linear or area measurement, forty dollars.
11. Vehicle tanks used in the sale of commodities by liquid measure shall be charged for each hundred gallons or fraction thereof, twenty dollars. An additional fee of twenty dollars per sealed indicator shall be received.
12. All weights and other measures, two dollars each.

Reasonable compensation shall also be collected for the use of special facilities, necessary repairs, alterations and adjustments made by the sealers or deputies."

The motion is unanimously adopted.

ARTICLE 5

MR. COLTON: MOVED: That the Town vote, pursuant to Chapter 40, Section 15A of the General Laws, to transfer to the Board of Selectmen the care, custody, management and control of the real property on Brighton Street shown on Assessors' Map 45 as Parcel 45, for the purpose of selling or otherwise disposing of such property, for the further purpose of developing affordable housing as defined by Chapter 40B of the General Laws, provided that the disposition of this property for such purposes be subject to the following conditions: (1) any affordable housing developed on the property be maintained as an affordable housing unit in perpetuity; and (2) any housing developed on the property be constructed and maintained in compliance with the restrictions applicable to Single Residence C (SC) contained in the Zoning Bylaw.

MR. EMELLO: MOVED: That the Town vote pursuant to Chapter 40, Section 15A of the General Laws, to transfer to the Board of Selectmen the care, custody, management, and control of the real property on Brighton Street, shown on Assessors' Map 45, as Parcel 45, for the purpose of selling the property at market value.

The motion is defeated.

The main motion is adopted.

ARTICLE 6

MR. COLTON: MOVED: That the Town vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of the real property on Brighton Street shown on Assessors' Map 45 as Parcel 45, for the purpose of developing affordable housing as defined by Chapter 40B of the General Laws, provided that the disposition of this property be subject to the following conditions: (1) any affordable housing developed on the property be maintained as an affordable housing unit in perpetuity; and (2) any housing developed on the property be constructed and maintained in compliance with the restrictions applicable to Single Residence C (SC) contained in the Zoning Bylaw.

The motion is adopted.

ARTICLE 7

MR. COLTON: MOVED: That the Town vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer

to the Board of Selectmen the care, custody, management and control of the real property on B Street shown on Assessors' Map 29 as Parcel 68, and a portion of Parcel 68A, all as shown on a plan entitled "Plan of B Street Property, Belmont, Mass." dated October 28, 2003 by Thomas G. Gatzunis, Town Engineer, on file in the Town Clerk's office, for the purpose of selling or otherwise disposing of such property in order to develop affordable housing as defined by Chapter 40B of the General Laws, pursuant to the plans of the Belmont Housing Trust, provided that the disposition of this property for such purpose be subject to the following conditions: (1) any affordable housing developed on the property be maintained as an affordable housing unit in perpetuity; (2) affordable housing units developed on this property be sold subject to a preference for Belmont residents, as defined by Section 6.10.2(5) of the Zoning Bylaw, for the maximum number of units allowed by law; and (3) any housing developed on the property be constructed and maintained in compliance with the restrictions applicable to General Residence (R) contained in the Zoning Bylaw.

The motion is adopted by a two-thirds vote.

ARTICLE 8

MR. COLTON: MOVED: That the Town vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of the real property on B Street shown on Assessors' Map 29 as Parcel 68, and a portion of Parcel 68A, all as shown on a plan entitled "Plan of B Street Property, Belmont, Mass." dated October 28, 2003 by Thomas G. Gatzunis, Town Engineer, on file in the Town Clerk's Office, for the purpose of developing affordable housing as defined by Chapter 40B of the General Laws, pursuant to the plans of the Belmont Housing Trust, provided that the disposition of this property for such purpose be subject to the following conditions: (1) any affordable housing developed on the property be maintained as an affordable housing unit in perpetuity; (2) affordable housing units developed on this property be sold subject to a preference for Belmont residents, as defined by Section 6.10.2(5) of the Zoning Bylaw, for the maximum number of units allowed by law; and (3) any housing developed on the property be constructed and maintained in compliance with the restrictions applicable to General Residence (R) contained in the Zoning Bylaw.

The motion is adopted.

ARTICLE 9

MR. HEIGHAM: MOVED: That the Town vote to amend Section 1.4, "Definitions and Abbreviations," of the Zoning Bylaw as follows:

- a. By inserting a new definition entitled "Catering Service" after "Building" and before "Cellar" as follows: "Catering Service - An establishment that prepares, serves, and supplies food in large quantities to be delivered and consumed off premises. Deliveries of food products occur on a regular basis."
- b. By inserting a new definition entitled "Other Retail Sales and Services" after "Open Space" and before "Parking Space" as follows: "Other Retail Sales and Services - An establishment primarily engaged in the retail sale of goods, services and/or products (including baked products, ice cream, and/or candy for consumption off site with no seating provided on site). Such uses may include incidental food service."
- c. By replacing the existing definition entitled "Restaurant" with a new definition as follows: "Restaurant - An establishment at which the principal activity is the preparation, service, and sales of food for consumption on the premises."
- d. By inserting a new definition entitled "Restaurant, Fast Food" after "Restaurant" and before "Roof-Mounted Wireless Telecommunications Facility" as follows: "Restaurant, Fast Food - An establishment whose primary business is the sale of food for consumption on the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; but not including drive-up windows."
- e. By inserting a new definition entitled "Restaurant, Take Out" after "Restaurant" and before "Roof-Mounted Wireless Telecommunications Facility" as follows: "Restaurant, Take-Out - An establishment whose primary business is the sale of food for consumption off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; (e) commonly generate a large volume

of vehicular traffic, but not including drive-up windows."

The motion is adopted by a two-thirds vote.

ARTICLE 10

MR. HEIGHAM: MOVED: That the Town vote to amend Section 3.3, "Schedule of Use Regulations," of the Zoning Bylaw by inserting the provisions listed below:

- a. Catering Service -
In the LBI, LBII and LBIII Zoning Districts allow up to 5,000 square feet by-right; greater than 5,000 square feet would require a special permit.
- b. Restaurant -
In LBI and LBII Zoning Districts allow up to 10,000 square feet by-right; greater than 10,000 square feet would require a Special Permit;
In LBIII and GB Zoning Districts allow restaurants only by Special Permit.
- c. Restaurant, Fast Food -
In LBI, LBII, LBIII and GB Zoning Districts allow only by Special Permit.
- d. Restaurant, Take out -
In LBII, LBIII and GB Zoning Districts allow only by Special Permit.
Not allowed in LBI Zoning District.

The motion is unanimously adopted.

ARTICLE 11

MR. HEIGHAM: MOVED: That the Town vote to delete from Section 3.3, "Schedule of Use Regulations," of the Zoning Bylaw the accessory use provision line item "Sale of food or drink ready for consumption without further preparation."

The motion is unanimously adopted.

ARTICLE 12

MR. HEIGHAM: MOVED: That the Town vote to delete from Section 5.1.1, "Number of Spaces" of the Zoning Bylaws, paragraph "c)" and re-alphabetize the remaining paragraphs.

The motion is unanimously adopted.

ARTICLE 13

MR. HEIGHAM: MOVED: That under Article 13 the reading of the proposed amendment to the Zoning By-Law of the Town be dispensed with the same being set forth in full under Article 13 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

That motion is adopted.

MR. HEIGHAM: MOVED: That the Town vote to amend the Zoning Bylaw of the Town by adopting the new Section 7.5 entitled "Development Impact Report" and renumbering the existing sections accordingly, all as set forth in full under Article 13 in the Warrant for this Meeting.

The motion to amend is adopted.

MR. PAULSEN: MOTION TO AMEND THE AMENDMENT: add "and the volume of runoff over a 24-hour period"

That motion is adopted.

The amendment to the main motion as amended is adopted.

The main motion as amended is unanimously adopted.

ARTICLE 14

MR. BROWNSBERGER: MOVED: That Article 14 be dismissed.

The motion is adopted.

ARTICLE 15

MR. BROWNSBERGER: MOVED: That Article 15 be dismissed.

The motion is unanimously adopted.

MR. BROWNSBERGER: MOVED: That the meeting be dissolved.

The Meeting is dissolved.

[Whereupon, at 10:59 p.m., the Town Meeting was adjourned.]