

**TOWN OF BELMONT  
WARRANT FOR 2004 ANNUAL TOWN MEETING  
APRIL 26, 2004  
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 26, 2004, 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:

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**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\_\_\_\_\_

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**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 will report orally on this Article.

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

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**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 2005 (the Budget) as contained in Article 4.

The Warrant Committee will report orally on this Article.

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

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**ARTICLE 4: Budget Appropriation**

*To determine what sums of money shall be granted to pay Town expenses for the 2004-2005 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) 2005 budget, commencing on July 1, 2004. 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 and Capital Budget Committee reports which are contained in this warrant booklet.

The Warrant Committee will report orally on this Article.

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 2005, 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	\$70,326
Town Treasurer	\$70,980
Chairman of the Board of Assessors	\$2,750
Assessor (1)	\$2,420
Assessor (1)	\$2,200

The Warrant Committee will report orally on this Article.

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 \$60,000 covers the pension benefits of four persons pursuant to a schedule established by state law.

The Warrant Committee will report orally on this Article.

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 \$2,964,170 funds the costs of the plan for FY 2005.

The Warrant Committee will report orally on this Article.

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 \$269,042 for FY 2005 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., Trapelo Road).

The Warrant Committee will report orally on this article.  
The Capital Budget Committee recommends favorable action.

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

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**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. There are no proposed changes for this Town Meeting's consideration.

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

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**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. The classification and compensation of unionized employees is bargained collectively and inserted into the Plan. In 2000, the Town completed a study of the classification of all Town employees, except for civil service police officers and firefighters. The new Plan was bargained with affected Town unions and implemented. Due to the transition of the Personnel Board and the Human Resources department, the submission of the comprehensive plan to Town Meeting was deferred. The new Plan is posted on the Town's web site and will be distributed to all Town Meeting Members. The compensation reflects current (FY 2004) rates unless noted. Funds necessary to implement changes associated with the Plan are included within the budget.

The Warrant Committee will report orally on this article.

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

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**ARTICLE 11: Appropriation of 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 on 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 for FY 2005 capital expenditures are provided in this booklet.

The Warrant Committee will report orally on this article.  
The Capital Budget Committee recommends favorable action.

Majority vote required for passage (two-thirds if borrowing) Yes\_\_\_\_\_ No\_\_\_\_\_

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**ARTICLE 12: Appropriation to Stabilization Fund or Capital Endowment 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, or, pursuant to Chapter 15 of the Acts of 1995, to the Capital Endowment Fund, determine how the same shall be raised, or in any way act thereon.*

The Stabilization and Capital Endowment Funds are special reserve funds, in which balances are carried over from year to year and interest income remains in the Fund. Any appropriations from these special funds must be made by a two-thirds vote of Town Meeting. It is not anticipated that any funds will be allocated to either the Stabilization or Capital Endowment Funds this year.

The Warrant Committee and the Capital Budget Committee will report orally on this Article.

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

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**ARTICLE 13: Appropriation for Water and Sewer and Stormwater Services**

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

This is a standard article appearing on the Warrant to appropriate funds to support the operations of the Town's water and sewer functions. Each of these functions has an enterprise fund that receives revenues from user fees. These funds then are used to fund the utility's operations. These operations are entirely self-supporting from user fees and do not receive any funding from property taxes.

The Warrant Committee will report orally on this Article.  
The Capital Budget Committee recommends favorable action.

Majority vote required for passage (two-thirds for borrowing) Yes \_\_\_\_\_ No \_\_\_\_\_

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**ARTICLE 14: Appropriation for Energy Management Improvements**

*To see if the Town will vote, pursuant to Chapter 25A, Section 11C, of the General Laws, to appropriate a sum of money for the procurement of energy management services for certain facilities of the Town whether by contract or otherwise, to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.*

Articles 14 and 15 seek approval to finance energy improvements identified through an audit conducted by an energy management firm. It is expected that savings in energy costs will be sufficient to fund the improvements to Town/School buildings and facilities. A project committee is being established under the Special Town meeting to oversee the audit and to be responsible for implementing improvements. Article 14 and 15 identify alternative methods of financing improvements from energy savings. This article would authorize a contract to an energy management services firm to implement the improvements under a multi-year fee arrangement.

The Warrant Committee and the Capital Budget Committee will report orally on this Article.

Majority vote required for passage (two-thirds for borrowing) Yes \_\_\_\_\_ No \_\_\_\_\_

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**ARTICLE 15: Appropriation for Energy Management Improvements**

*To see if the Town will vote to appropriate a sum of money for the procurement of energy management services for certain facilities of the Town whether by contract or otherwise, to be expended by a committee established for said purpose, to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.*

Articles 14 and 15 seek approval to finance energy improvements identified through an audit conducted by an energy management firm. It is expected that savings in energy costs will be sufficient to fund the improvements to Town/School buildings and facilities. A project committee is being established under the Special Town meeting to oversee the audit and to be responsible for implementing improvements. Article 14 and 15 identify alternative methods of financing improvements from energy savings. This article would authorize Town financing of improvements.

The Warrant Committee and the Capital Budget Committee will report orally on this Article.

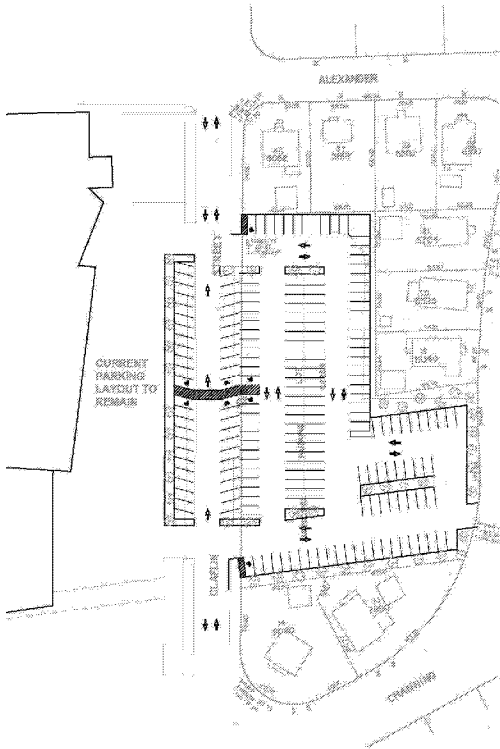
Majority vote required for passage (two-thirds for borrowing) Yes \_\_\_\_\_ No \_\_\_\_\_

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**ARTICLE 16: Appropriation for Expansion of and Improvements to Claflin Street Municipal Parking Lot**

*To see if the Town will vote to appropriate a sum of money to fund the design and construction of improvements and expansion to the Claflin Street Municipal Parking Lot, including an automated parking meter machine, to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.*

This article seeks funding for the expansion and improvement of the Claflin Street municipal parking lot. This article is the result of a recommendation of the Belmont Center Parking Study Committee to the Board of Selectmen to enhance the parking capacity in Belmont Center. Essentially, the existing parking lot would be expanded to include Claflin Street and a portion of abutting private property in order to add 43 new parking spaces. Locatelli Properties, the owner of the private property, would grant the Town use of a portion of their property to expand the lot. They have also committed a minimum of \$80,000 of the projected \$300,000 of the overall cost. Additional annual revenues from the new parking spaces is projected to be \$9,500. Although the funding mechanism has not been determined at the time of the printing of this booklet, it is probable that either borrowing or funding from existing reserves (neither of which would impact the FY 2005 operating budget) would be recommended for Town Meeting consideration. Articles 16 and 22 are related and will be taken up together. Following, is a concept drawing of the proposed expansion of the Claflin Street Parking lot.



The Warrant Committee and the Capital Budget Committee will report orally on this Article.

Majority vote required for passage (two-thirds for borrowing)      Yes\_\_\_\_\_      No\_\_\_\_\_

**ARTICLE 17: Authorization of Expenditure from Revolving Funds**

*To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to authorize the expenditure from revolving funds by various Town Departments, or in any way act thereon.*

This article seeks authorization to establish a revolving fund(s) for certain operations of the Town. A revolving fund allows the expenditure of user fees for program expenses without further Town Meeting appropriation. However, the Town Meeting must annually renew the funds. At this time, the Board of Selectmen and Warrant Committee are considering the use of revolving funds for certain Council on Aging and Health department programs.

The Warrant Committee and the Capital Budget Committee will report orally on this Article.

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

**ARTICLE 18: Transfer of Control of Waverley Fire Station to the Board of Selectmen**

*To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen, for the purpose of selling or otherwise disposing of the real property known as the Waverley Fire Station shown on Assessors' Map 27 as Parcel 76A, the care, custody, management and control of such real property, or in any way act thereon.*

The sale of Town property requires two articles. This article seeks Town Meeting authorization, as required by state law, to transfer control of the Waverley Fire Station property to the Board of Selectmen in order to effect its sale or disposal. It is the Board of Selectmen's intention to continue a public process of evaluating a variety of re-development opportunities at this site. Any proposed changes in zoning resulting from this public process would require Town Meeting approval prior to any further action.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

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

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**ARTICLE 19: Authorization to Sell or Dispose of Waverley Fire Station Property**

*To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the real property known as the Waverley Fire Station shown on Assessors' Map 27 as Parcel 76A, or in any way act thereon.*

This article seeks Town Meeting authorization for the Board of Selectmen to sell or dispose of the Waverley Fire Station property located on Trapelo Road. As part of the overall Fire Station Consolidation plan, the Town intends to sell each of the existing three fire stations in order to offset the cost of the two new stations. The Waverley Station has already become surplus. The sale of the property must conform to the state's competitive purchasing laws. In addition, the Board of Selectmen is committed to condition the sale of the building on the preservation of its historic exterior.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

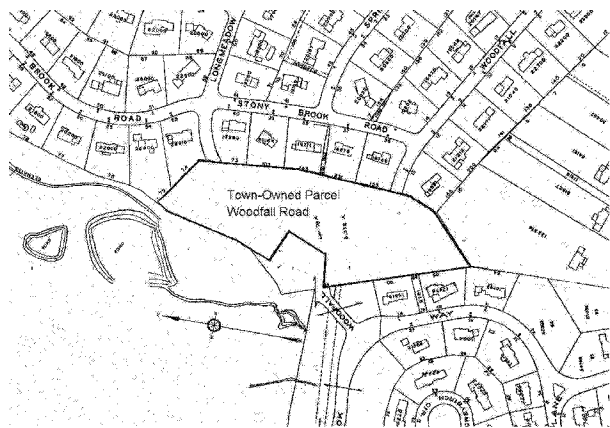
Majority vote required for passage Yes \_\_\_\_\_ No \_\_\_\_\_

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**ARTICLE 20: Transfer of Control of Woodfall Road Parcel to the Board of Selectmen**

*To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen, for the purpose of selling or otherwise disposing of the real property known as the "Woodfall Road parcel" shown on Assessors' Map 69 as Parcel 44, the care, custody, management and control of such real property or in any way act thereon.*

The sale of Town property requires two articles. This article seeks Town Meeting authorization, as required by state law, to transfer control of the Town-owned parcel on Woodfall Road to the Board of Selectmen in order to effect its sale or disposal. This action is part of the Board of Selectmen's plan to sell surplus Town property. A map of the parcel and the surrounding area appears below.



The Warrant Committee and Capital Budget Committee will report orally on this Article.

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

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**ARTICLE 21: Authorization to Sell or Dispose of Town-Owned Land on Woodfall Road**

*To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the real property commonly known as the "Woodfall Road parcel" shown on Assessors' Map 69 as Parcel 44, or in any way act thereon.*

This article seeks Town Meeting authorization for the Board of Selectmen to sell or dispose of a vacant parcel of Town-owned land on Woodfall Road. The sale of the property must conform to the state's competitive purchasing laws.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

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

**ARTICLE 22: Authorization to Discontinue Portion of Claflin St. for Use as Parking Lot**

*To see if the Town will vote pursuant to Chapter 82, Section 21, of the General Laws to discontinue that portion of the public way known as Claflin Street shown on a plan entitled "Plan Showing Discontinued Way Known as Claflin Street, dated April 1, 2004, by Thomas G. Gatzunis, Town Engineer, on file in the Town Clerk's office, and to see if the Town will vote pursuant to Chapter 40, Section 15A, of the General Laws to transfer to the Board of Selectmen, for use as a municipal parking lot and all uses necessary or associated therewith the same portion of Claflin Street discontinued as a public way shown on said plan, the care, custody, management and control of such real property or in any way act thereon.*

The article will be considered along with Article 16 seeking to expand the existing Claflin Street municipal parking lot. This article seeks Town Meeting authorization, as required by state law, to transfer control of the land to the Board of Selectmen in order to expand parking. In addition, there will be a vote under this article to discontinue the portion of Claflin Street as a public way

The Warrant Committee and Capital Budget Committee will report orally on this Article.

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

**ARTICLE 23: Authorization to Eliminate Town Counsel Residency from By-Laws**

*To see if the Town will vote to amend Article 4 of the General By-Laws of the Town entitled "Board of Selectmen" by deleting from the first sentence of Section 4.8.1 the phrase ", residing in the Town," or in any way act thereon.*

This article seeks to amend the By-Laws of the Town by eliminating the requirement that Town Counsel reside in the Town of Belmont. The Board of Selectmen initiated this article to increase the flexibility of selecting a new legal firm/Town Counsel. This change does not preclude the Town from selecting a resident of Belmont as its Town Counsel.

The By-Law Review Committee will report orally on this Article.

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

**ARTICLE 24: Authorization to Amend Personnel Board General By-Law**

*To see if the Town will vote to amend Article 11 of the General By-Laws of the Town entitled "Personnel Board" by deleting in its entirety Article 11 and substituting therefor the following:*

*"Article 11  
Personnel Advisory Board*

*11.1 Pursuant to Chapter 41, Section 108C, of the General Laws, the Town Meeting shall adopt and may amend from time to time a Classification Plan classifying into groups and classes all positions, other than those filled by popular election and those under control of the School Committee, and shall in like manner adopt and may amend from time to time a Salary Plan and Personnel Policy Guide which applies to all positions except elected officials, employees with personal contracts, employees covered by collective bargaining agreement, and employees of the School Department.*

*11.2 A Personnel Advisory Board shall be established and consist of five members appointed by the Board of Selectmen. No elected officials except Town Meeting Members, no members of the Warrant Committee, no members of any standing board or committee having the charge of the expenditure of money and no employees of the Town shall be appointed to the Board. Members shall be residents of the Town and shall serve without compensation. In making appointments, the Board of Selectmen shall take into consideration the personal qualifications of those citizens who will best meet the responsibility of the Board to represent both the employees and the taxpayers. The Board shall include members who are professionally qualified and who are familiar with the principles and experienced in the methods and practices of personnel administration and labor relations.*

*11.3 The Board shall hold meetings at least once a quarter at such times as it may determine. Additional meetings may be held at such times as the Board may determine to deal with matters before it.*

11.4 *The purpose of the Personnel Advisory Board is to serve in an advisory capacity to the Board of Selectmen, Town Administrator, and appropriate Town agencies and committees on non union personnel policy issues referred to it by the Board of Selectmen. The Board shall review and recommend changes for consideration by the Town Administrator and Selectmen on proposed personnel policies and practices, compensation and fringe benefit policies and/or practices, and organizational changes recommended to the Selectmen by the Town Administrator.”*

*or in any way act thereon.*

This article seeks changes to the Personnel Board By-Law. At the direction of the Board of Selectmen, current and former members of the Personnel Board met with the Human Resources Director to update and clarify this By-Law. There are three major changes to this By-law. The first is a change in the article's title from Personnel Board to Personnel Administration so that any future updates or additions in the area of personnel can be contained within the same article. Second, although the Personnel Board has always been advisory, it will now be so stated in the new title of the Board. Finally, the Board will no longer be required to meet once a month, but rather a minimum of four times a year or more frequently as issues or special projects arise.

The By-Law Review Committee will report orally on this Article.

Majority vote required for passage

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

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**ARTICLE 25: Authorization to Amend Belmont Alarm By-Law**

*To see if the Town will vote to amend Article 24 of the General By-Laws of the Town entitled “Town of Belmont Alarm By-Law” by deleting in its entirety Article 24 and substituting therefor the following:*

*“ARTICLE 24*

*Alarm By-Law*

**24.1. PREAMBLE**

*It is determined that the number of false alarms being made to the Police and Fire Department hinders the efficiency of those departments, lowers the morale of department personnel, constitutes a danger to the general public in the streets during responses to false alarms, and jeopardizes the response of volunteers; and that the adoption of this By-Law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Belmont.*

**24.2. DEFINITIONS**

*For the purpose of this By-Law the following definitions shall apply:*

**24.2.1 Alarm Device**—*Any device which when activated by a criminal act, fire or other emergency calling for Police or Fire Department response: (a) transmits a signal to the Town of Belmont's Public Safety Communications Center; (b) transmits a signal to a person who relays information to the Town of Belmont's Public Safety Communications Center; or (c) produces an audible or visible signal to which the Police or Fire Departments are likely to respond. Excluded from this definition and the scope of this By-Law are devices which are designated to alert or signal only persons within the premises in which the device is installed.*

**24.2.2 Alarm User**—*The owner of any premises on which an alarm device is used; provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 24.5 shall be deemed the alarm user.*

**24.2.3 Automatic Dial Alarm**—*A telephone or device or attachment that mechanically or electronically selects a telephone line to Town of Belmont's Public Safety Communications Center and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to Town of Belmont's Public Safety Communications Center.*

**24.2.4 Contractor**—*Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.*

**24.2.5 False Alarm**—*Any activation of an alarm device to which the Police or Fire Department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by (a) malfunction of telephone company equipment or lines as verified by monitoring facilities at Town of Belmont's Public Safety*

*Communications Center, or (b) power failure as verified by the Administrator. (c) an actual water flow or release from a fire suppression system. A series of such activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single false alarm.*

*24.2.6 Master Box-A device either wired or wireless designed to transmit a signal to the Town of Belmont Public Safety Communications Center via municipal alarm circuits or radio receiving equipment.*

*24.2.7 Municipal Master Box- A Master Box owned by the Town of Belmont, Belmont Public Schools, Belmont Municipal Light Department or Facilities owned or operated by the Belmont Housing Authority.*

### **24.3. ADMINISTRATOR**

*24.3.1 There shall be in the Town an Administrator for alarm devices who shall have the power and duties granted under this By-Law.*

*24.3.2 The Chief of Police or his designee shall be the Administrator under the direction and control of the Board of Selectmen which is authorized to adopt regulations for the administration of this By-Law.*

### **24.4. ALARM APPEAL BOARD**

*24.4.1 There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted to it under this By-Law.*

*24.4.2 The Alarm Appeal Board shall consist of the Board of Selectmen.*

### **24.5. REGISTRATION REQUIRED**

*24.5.1 Each alarm user shall register his alarm device or devices with the Administrator prior to use and annually as described below; provided that alarm devices in use on the effective date of this By-Law may be registered not later than sixty (60) days from such date.*

### **24.6. REGISTRATION PROCEDURE**

*24.6.1 Alarm device registration shall be accomplished by filling out a form provided by the Administrator to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device as the Administrator may require, and setting forth the terms to which a person who uses an alarm within the Town of Belmont agrees. In the case of first registrations of an alarm device or by a new alarm user, registration shall occur prior to use. Annual registration shall occur on or before June 15 of each year for the following one-year period beginning July 1. The Administrator shall issue the alarm user written acknowledgment of proper registration.*

*24.6.2 It shall be the responsibility of each alarm user to notify the Administrator in writing of changes in registration information.*

*24.6.3 Initial and annual registration shall be accompanied by a fee as follows*

*(a) Alarm registration: \$25.00*

*(b) Master box registration: \$250.00 per master box, an additional \$250.00 for each building connected to a master box beyond the initial building*

*(c) Municipal Master Box registration: No Fee*

### **24.7. CONFIDENTIAL INFORMATION**

*24.7.1 All information in the possession of the Administrator, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.*

**24.8. AUTOMATIC DIAL ALARM — INTERCONNECTION TO TOWN OF BELMONT'S PUBLIC SAFETY COMMUNICATIONS CENTER**

*24.8.1 No automatic dial alarm may be installed after the effective date of this By-Law without the prior approval of the Administrator.*

*24.8.2 Within six (6) months after the effective date of this By-Law, all automatic dial alarms presently in use shall be reprogrammed to dial a designated number within the Town of Belmont's Public Safety Communications Center. The automatic dial alarm shall be regulated so as not to repeat the message more than two (2) times. Service for having automatic dial alarms reprogrammed and regulated shall be at the user's expense.*

**24.9. EXTERIOR AUDIBLE DEVICES**

*24.9.1 Unless required by law, no alarm device which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of twenty (20) minutes. Any alarm device in use as of the effective date of this By-Law must comply with this section within one hundred eighty (180) days of such date.*

*24.9.2 Where an audible alarm continues beyond the maximum period or its activation is triggered repeatedly within a short time, the officer-in-charge of the Police Department may order the audible alarm to be silenced if it causes a disturbance of the peace unless the alarm user can correct the problem immediately. Reasonable efforts shall be made to notify the alarm user before taking this action.*

**24.10 DISCONTINUING ALARM RESPONSE**

*24.10.1 Where false alarm activations occur repeatedly at an address in the course of a day, the officer-in-charge of the Fire Department, for fire alarms. Or the officer-in-charge of the Police Department, for other alarms, may order that Police or Fire response to the location in response to alarm activations be discontinued temporarily. When responses to alarm activations are discontinued, the Police or Fire officer-in-charge giving the order shall make reasonable efforts to inform the alarm user of this action so the alarm user may take corrective measures immediately.*

**24.11. REPORTING OF FALSE ALARMS**

*24.11.1 The Police Department and Fire Department shall determine false alarms and report false alarms to the Administrator.*

**24.12. ALARM CHARGES**

*24.12.1 When the Administrator receives notice that the Police Department or Fire Department has responded to a false alarm the Administrator shall impose a charge on the responsible alarm user according to the following schedule:*

<i>for the first false alarm within the Town's fiscal year.....</i>	<i>No Charge</i>
<i>for the second such alarm.....</i>	<i>\$10.00</i>
<i>for the third such alarm.....</i>	<i>\$25.00</i>
<i>for the fourth and subsequent such alarms.....</i>	<i>\$50.00</i>

*24.12.2 In addition to the provisions of Section 24.12.1, there shall be no charge for the first false alarm occurring within one month after installation of an alarm device, and such false alarms shall not be considered in determining charges in accordance with the schedule set forth in Section 24.12.1.*

*24.12.3 Where the Administrator determines that the Police Department or Fire Department has responded to an unregistered alarm, the Administrator shall impose a charge of \$25.00 on the alarm user in addition to any false alarm charges that may be appropriate.*

**24.13. NOTIFICATION AND APPEAL**

**24.13.1 False Alarm Charges**

*(a) The Administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty (30) days after mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm within the meaning of this By-Law.*

*(b) The Administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing.*

*(c) In addition, for good cause shown, the Administrator may reduce to one charge multiple charges that are due because of alarm activations occurring during a 24-hour period.*

#### **24.13.2 Appeal to the Alarm Appeal Board**

*Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.*

#### **24.13.3 Notice to Include Instructions**

*Each notice of a false alarm charge or the reaffirmation of such a charge by the Administration shall refer to and provide instruction concerning the alarm user's right to further recourse by filing information with the Administrator or an appeal with the Alarm Appeal Board, as the case may be.*

#### **24.14 APPEAL FEES**

*24.14.1 There shall be a fee of \$10.00 for each appeal to the Alarm Appeal Board.*

*24.14.2 The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Alarm Appeal Board.*

#### **24.15. CHARGES AND FEES PAID INTO GENERAL FUND**

*24.15.1 Charges for false alarms, registration fees and appeal fees will be collected by the Administrator and deposited in the general fund.*

#### **24.16. TOWN ASSUMES NO RESPONSIBILITY FOR ALARM DEVICES**

*24.16.1 Notwithstanding the provisions of this By-Law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at the Town of Belmont's Public Safety Communications Center. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.*

#### **24.17. PENALTY FOR CERTAIN VIOLATIONS**

*24.17.1 Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of up to One Hundred Dollars (\$100) for each such act:*

*(a) intentional causing of a false alarm;*

*(b) failure to register an alarm device or give notice of changes in registration information as required by this ordinance; each day of such failure shall constitute a separate violation;*

*(c) use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this By-Law; each day of such use shall constitute a separate violation;*

*(d) failure to pay a charge levied by the Administrator acting under Section 24.12 within thirty (30) days after the mailing of a notice of charge unless reconsideration is sought pursuant to Section 24.12.1(a); if reconsideration is denied, failure to pay such charge within thirty (30) days of the Administrator's decision on reconsideration unless an appeal is sought pursuant to Section 24.12.1(b); and if an appeal is denied, failure to pay such charge within fifteen (15) days of the Alarm Appeal Board's mailing of its decision affirming the charge.*

24.18. ENFORCEMENT OF THIS BY-LAW

24.18.1 The Town, at the election of the Administrator, may institute civil or criminal proceedings to enforce the provision of this By-Law.

24.18.2 The Administrator may order that response to alarm activations at a location be discontinued when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user, (b) an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user or (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by discontinuing response.

24.18.3 The Administrator may order that a Master Box be disconnected from the Town's municipal wires or removed from receiving equipment when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user, (b) an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user or (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device (d) where the alarm users Master Box or equipment causes interference with other users and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by disconnecting the Master Box.

24.18.4 The Administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the Master Box from being disconnected.

24.19. EXCEPTIONS

24.19.1 The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

24.20 SEVERABILITY

24.20.1 The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts."

or in any way act thereon.

This article seeks to amend the existing Alarm By-Law of the Town. The main change is the establishment of a \$25 annual fee for certain residential alarm systems and a \$250 annual fee for a Master Box system. A "red-lined" version of the Alarm By-Law showing proposed changes has been placed on the Town's web site and will be distributed to Town Meeting Members.

The By-Law Review Committee will report orally on this Article.

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

**ARTICLE 26: Authorization to Amend Zoning By-Laws Related to Floodplain District**

To see if the Town will vote to amend Section 1.4 of the Zoning By-Laws of the Town entitled "Definitions and Abbreviations" by deleting in their entirety the definitions of "Base Flood", "FEMA", "FIRM", and "Floodway", and to see if the Town will vote to amend Section 6.6 of the Zoning By-Laws of the Town entitled "Floodplain District" deleting in its entirety Section 6.6, and substituting therefor the following:

"6.6 Floodplain District

6.6.1 Purposes

The purposes of this Section are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve natural flood control characteristics, to maintain the flood storage capacity of the floodplain, and to bring the Town of Belmont into compliance with the National Flood Insurance Program (42 U.S. Code 4001-4128), and regulations adopted pursuant thereto.

## 6.6.2 Definitions

*AREA OF SPECIAL FLOOD HAZARD* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

*BASE FLOOD* shall have the meaning defined by Chapter 780 of the Code of Massachusetts Regulations (780 CMR).

*DEVELOPMENT* means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*DISTRICT* means floodplain district.

*EXISTING MANUFACTURED HOME PARK OR SUBDIVISION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*FLOOD BOUNDARY AND FLOODWAY MAP* means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

*FLOOD HAZARD BOUNDARY MAP (FHBM)* means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

*FLOOD INSURANCE RATE MAP (FIRM)* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*FLOOD INSURANCE STUDY* means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

*FLOODWAY* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base floor without cumulatively increasing the water surface elevation.

*LOWEST FLOOR* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*MANUFACTURED HOME* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*MANUFACTURED HOME PARK OR SUBDIVISION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*NEW CONSTRUCTION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*NEW MANUFACTURED HOME PARK OR SUBDIVISION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*ONE-HUNDRED YEAR FLOOD* see *BASE FLOOD*.

*REGULATORY FLOODWAY* see *FLOODWAY*.

*SPECIAL FLOOD HAZARD AREA* means an area having special flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30 or VE.

*START OF CONSTRUCTION* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*STRUCTURE* shall have the meaning defined by 780 Code of Massachusetts Regulations.

*SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damages condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*

*SUBSTANTIAL IMPROVEMENT shall have the meaning defined by 780 Code of Massachusetts Regulations.*

### *6.6.3 District Delineation*

*The Floodplain District consists of all special flood hazard areas designated on the most recent Belmont Flood Insurance Rate Map (FIRM) and the Flood Boundary and Floodway Maps. The maps as well as the accompanying Flood Insurance Study, Town of Belmont dated December 15, 1981 (the Study) are incorporated herein by reference. A copy of the FIRM and Floodway Map and the Study are on file with the Town Clerk.*

### *6.6.4 Use Regulations*

*a) The Floodplain District shall be considered as overlying other districts. Any uses permitted or allowed by Special Permit in the portions of the districts so overlaid shall continue to be permitted or allowed by Special Permit, subject to the provisions of this Section.*

*b) Except as provided below, the following shall be prohibited in the Floodplain District:*

*1) New buildings or structures.*

*2) Filling, dumping, excavation, removal, or transfer of any earth material which will restrict or increase flood water flow or reduce the flood water storage capacity.*

*c) The following shall be permitted in the Floodplain District:*

*1) Land use for conservation of water, plants, and wildlife.*

*2) Recreation, including play areas, wildlife reserves, golf, boating, and fishing where otherwise legally permitted.*

*3) Grazing, farming, forestry, and nurseries.*

*4) Proper operation and maintenance of dams and other water control structures, including temporary alteration of water level for emergency purposes.*

*5) Addition or alteration to an existing structure, but if constituting a substantial improvement (see definition), only if authorized by Special Permit from the Board of Appeals.*

### *6.6.5 Requirements*

*All development in this district, including structural and nonstructural activities, whether permitted by right or allowed by Special Permit, must be in compliance with the following:*

*-780 CMR 3107 of the Massachusetts State Building Code, which addresses construction in floodplains and floodways;*

*-310 CMR 10.00, Wetlands Protection, Department of Environmental Protection;*

*-302 CMR 6.00, Inland Wetlands Restriction, Department of Environmental Protection;*

*-Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection.*

### *6.6.6 Floodway Requirements*

*a) Floodway Data: In Zone A, A1-30 and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit*

encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

b) In the regulatory floodways designated on the Belmont FIRM or Flood Boundary and Floodway Map no encroachments in the floodway shall be permitted which would result in any increase in the base flood discharge level.

c) Base flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five (5) acres, whichever is the lesser, within unnumbered A zones.

6.6.7 Special Permit

Upon their receipt, applications for Special Permits in the Floodplain District shall be referred to the Planning Board, Board of Health, and Conservation Commission for their review and comment. In a riverine situation, the applicant shall notify the NFIP State Coordinator, Massachusetts Office of Water Resources and the NFIP Program Specialist in FEMA Region I of any proposed alteration or relocation of a watercourse. Special Permits for substantial improvements within the Floodplain District shall be approved only upon the Board of Appeals making the following determinations:

- a) All requirements of Section 6.6 Floodplain District are complied with.
- b) No substantial increase in hazard to occupants of the premises or to others will result from the proposed improvements.
- c) Reasonable efforts have been made, relative to the scale of the proposed improvements, to reduce any existing hazard or noncompliance with these requirements.

6.6.8 Waiver

If satisfied, based on a Letter of Map Amendment or Letter of Map Revision obtained by the applicant from FEMA, that the site of a proposed development or improvement is above the Base Flood Elevation shown on the FIRM, the Building Inspector may waive compliance with this Section, and a copy of such waiver shall be filed with the Town Clerk.”

or in any way act thereon.

This article seeks to update the Floodplain District section of the Zoning By-Laws. The current By-Law was reviewed by the Department of Environmental Protection’s staff at the Flood Hazard Management Program. They identified areas where the By-Law needed to be updated and/or revised to be in compliance with the National Flood Insurance Program (NFIP). The deleted definitions in Section 1.4 are replaced (and in some cases updated) in a new Section 6.6.2 “Definitions” within the Floodplain District By-Law.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

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

**ARTICLE 27: Authorization to Amend Zoning By-Laws—Non-Conforming Uses**

To see if the Town will vote to amend Section 1.5 of the Zoning By-Laws of the Town entitled “Nonconformance” by deleting in its entirety Section 1.5 and substituting therefor the following:

- “1.5 Non-Conforming Uses and Structures
- 1.5.1 Applicability

This By-Law shall not apply to uses or structures lawfully in existence or lawfully begun, or to a building or special permit issued, before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this By-Law, or any relevant part thereof, was adopted. No modification of a lawfully existing nonconforming use or structure is allowed except as authorized hereunder.

1.5.2 Nonconforming Uses

The Board of Appeals may grant a special permit to change or extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to

*the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located. The following types of changes to nonconforming uses may be considered by the Board of Appeals:*

- a. Change or substantial extension of the use;*
- b. Change from one nonconforming use to another, not substantially more detrimental, nonconforming use.*

*Once a nonconforming use is changed to a conforming use through the exercise of a Building Permit, there is no authority to allow the property to revert to a nonconforming use.*

#### *1.5.3 Nonconforming Structures*

*The Building Commissioner may issue a Building Permit for a change in use to any permitted use of a pre-existing, nonconforming structure.*

*The Building Commissioner may issue a Building Permit for an interior renovation, interior alteration or interior reconstruction of a pre-existing, nonconforming structure that does not extend the non-conformity or create a new non-conformity.*

*The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located. The following types of changes to nonconforming structures may be considered by the Board of Appeals:*

- a. A reconstruction, extension or structural change;*
- b. An alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.*

#### *1.5.4 Nonconforming Single and Two-Family Residential Structures*

*Nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstance:*

- 1) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area and/or frontage;*
- 2) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause 2 shall apply regardless of whether the lot complies with the current area and/or frontage requirements;*
- 3) A half story addition to a non-conforming structure, that will not increase the footprint of the existing structure, create a new dimensional non-conformity or extend an existing dimensional non-conformity, provided that the existing height restrictions shall not be exceeded. This clause 3 shall apply regardless of whether the lot complies with the current area and/or frontage requirements.*

#### *1.5.5 Restoration*

*A structure which has been damaged by fire or other casualty to an extent less than 50% of the fair market value of the structure on the date of the damage may be restored to its original condition and square footage, regardless of any nonconformity of the structure or its use.*

*A structure damaged to a greater extent, if dimensionally nonconforming or containing a nonconforming use, may be restored to the previous nonconforming configuration or use only provided such work is started within two years of the damage and completed within three years of the date of the damage and where there is no increase in nonconformance with setback requirements. Any proposed change of use is subject to the provisions of this Section 1.5.*

#### *1.5.6 Abandonment*

*A nonconforming use of a structure or land, that has been abandoned or not used for a period of two (2) years, shall not be reestablished and all future use(s) shall conform with this By-law.”*

*or in any way act thereon.*

This article seeks to clarify the existing section of the Zoning By-Laws relating to non conforming uses. This section has not been revised in many years and is very difficult to read and interpret. This amendment is intended to clarify the text to assist the user of the By-law, the Building Commissioner and the Zoning Board of Appeals. It also expands the authority of the Building Commissioner in a limited fashion to allow specified alterations to non-conforming single and two-family dwellings.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

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

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**ARTICLE 28: Authorization to Amend Inclusionary Housing Zoning By-Law**

*To see if the Town will vote to amend Section 6.10 of the Zoning By-Laws of the Town entitled "Inclusionary Housing" by including within section 6.10.2 a new subsection 3 (c) as follows:*

*"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)."*

*and by deleting in its entirety Section 6.6.10.2 4(a), and substituting therefor the following:*

*"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."*

*or in any way act thereon.*

This article seeks to make some minor changes within the text so all of the affordable units created can be counted under the state's Chapter 40B (affordable housing) regulations. These changes were recommended by the Town's affordable housing consultant.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

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

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**ARTICLE 29: Authorization to Amend Zoning By-Laws—Demolition Moratorium**

*To see if the Town will vote to amend Section 6 of the Zoning By-Laws of the Town entitled "Special Regulations" by inserting a new Section 6.11 as follows:*

*"6.11 Interim Controls - Demolition Moratorium*

*6.11.1 Purpose*

*The purpose of the Demolition Moratorium is to provide a temporary period of prohibition on the demolition of detached single-family dwelling units in the Town, where such detached single-family dwelling unit is replaced with any residential structure other than a single-family dwelling on the same lot, while the Town engages in planning studies to address the affects of such demolition and construction and recommends long-term regulations consistent with sound land use planning goals and objectives.*

*6.11.2 Applicability*

*The provisions of Section 6.11 shall apply to all zoning districts in the Town.*

*6.11.3 Development Restrictions*

*For the period established under Section 6.11.4, no demolition permit shall issue for any structure defined as a detached single-family dwelling where such detached single-family dwelling is to be replaced with any residential structure other than a single-family dwelling, nor shall any building permit issue for the construction on the same premises of a residential structure other than a single-family dwelling.*

*6.11.4 Time Limitation*

*The provisions of this Section 6.11 shall expire on May 31, 2005; provided, however, that by vote at Town Meeting before said date, they may be extended for an additional period to continue planning studies necessary*

to promote the establishment of long-term regulations consistent with sound land use planning goals and objectives. In the event that such action is taken by Town Meeting prior to May 31, 2005, these provisions shall not be construed to have lapsed on such date.”

or in any way act thereon.

This article seeks to establish a moratorium on the issuance of demolition or building permits to replace single-family dwellings with multi-family dwellings. The moratorium is intended to be in effect until May 31, 2005, unless the Town Meeting takes a vote to extend such date. This article is a refinement of the citizens’ petitioned under Article 35, which seeks the same action.

The Planning Board will report orally on this Article.

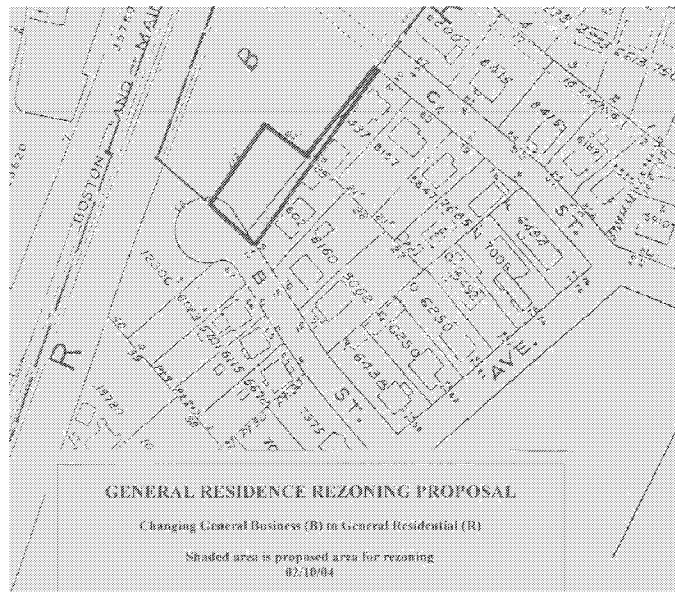
Two-thirds vote required for passage Yes\_\_\_\_\_ No\_\_\_\_\_

**ARTICLE 30: Authorization to Amend the Zoning Map—B Street Affordable Housing**

To see if the Town will vote to amend the Zoning Map of the Town by changing the designation of a portion of the real property known as the Highway Department property shown on Assessors’ Map 29 as Parcel 68A and as portions of Parcels 81 and 69, from “General Business (B)” to “General Residence (R)” as shown on a plan entitled “General Residence Rezoning Proposal”, dated February 10, 2004, on file in the Town Clerk’s office.

or in any way act thereon.

This article seeks to amend the Zoning Map on B Street to accommodate the previously approved affordable housing development. Last November, the Special Town Meeting approved the development of two (2) duplexes with three (3) affordable units on B Street. When the final plan was developed just prior to the Town Meeting vote, it was noticed that the Public Works land is zoned General Business (B) that does not allow housing. This article will adjust the current zoning lines, such that the new building lot and portions of the two abutting residential lots (#81 and 69) are completely within the General Residence (GR) zoning district. The two existing lots are currently split by this zone line.



The Planning Board recommends favorable action as explained in their report to Town Meeting.

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

**ARTICLE 31: Town Senior Center Furnishing and Accessories and Operations Fund**

To see if the Town will vote, pursuant to chapter 129 of the Acts of 2001 to approve the voluntary check off for the Town Senior Center Furnishing and Accessories and Operations Fund, effective as of February 1, 2002, or in any way act thereon.

This article seeks Town Meeting approval to establish a voluntary check off for the Senior Center Furnishing and Accessories and Operations Fund. This is a technical article intended to formalize a Home Rule petition the Town Meeting sought and received from the state legislature in 2002.

The Warrant Committee will report orally on this Article.

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

**ARTICLE 32: Acceptance of Chapter 32B, Section 18, of the General Laws**

*To see if the Town will vote to accept the provisions of Chapter 32B, Section 18, of the General Laws which require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town, or in any way act thereon.*

This article seeks Town Meeting acceptance of a section of the Massachusetts General Laws requiring eligible retirees, their spouses and dependents to enroll in a Medicare supplement plan offered by the Town, instead of the more costly HMO and PPO plans. Up to this point, the Town assumed it had this authority and did require eligible retirees to join the Medicare supplement plan.

The Warrant Committee will report orally on this Article.

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

**ARTICLE 33: Home Rule Petition—Authorization to Amend Section 3 of Chapter 302 of the Acts of 1926**

*To see if the Town will vote to authorize and direct the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form.*

*“HOME RULE PETITION FOR BELMONT”*

*“An Act Authorizing the Town of Belmont to Amend Section 3 of Chapter 302 of the Acts of 1926, the Representative Town Meeting Act.*

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

The provisions of Section 3 of Chapter 302 of the Acts of 1926 shall be amended to delete therefrom as designated town meeting members at large the town counsel, the chairman of the park commission, and the chairman of the board of water commissioners.

*This act shall take effect upon its passage.”*

*or in any way act thereon.*

The article seeks Town Meeting approval to submit a Home Rule petition to amend the Town’s Representative Town Meeting Act. The Act currently establishes ex officio membership for the defunct positions of chairman of the park commissioners and the chairman of the board of water commissioners. In addition, since the Town is seeking removal of the residency requirement for Town Counsel (see Article 23), this petition would eliminate that position from membership as well.

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

**ARTICLE 34: Rescind 1912 Vote Establishing Building Set Back Lines**

*To see if the Town will vote to rescind the 1912 vote of the Town establishing Building Set Back Lines for the real property identified by the following street addresses and corresponding Assessors’ Map and parcel numbers:*

<i>Map and Parcel Number</i>	<i>Street Address</i>
14 – 225	234-240 Trapelo Road
14 – 1	243 Trapelo Road
14 – 226	244-248 Trapelo Road
14 – 227A	250-254 Trapelo Road
14 – 227	256 Trapelo Road

14 – 40  
14 – 228, 231  
14 – 235  
14 – 236

263 Trapelo Road  
268-278 Trapelo Road  
280 Trapelo Road  
290-292 Trapelo Road

*or in any way act thereon.*

This article seeks to rescind building setback lines established by the Town in the early 1900's prior to the existence of zoning by-laws. The Building Lines have the same effect as front yard setbacks in the Zoning By-Laws and can be redundant or confusing. The Building Lines proposed for removal are greater than the front yard setbacks established by the current Zoning By-Laws. The Building Lines are not uniformly applied within the area, and inhibit the village style developments that the Planning Board wishes to pursue along Trapelo Road.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

Majority vote required for passage

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

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**ARTICLE 35: Citizen Petition—Moratorium on Demolition of Residential Structures**

*To see if the Town will vote to grant a moratorium of one (1) year on the demolition of houses in the Town which are being replaced by two or more dwelling units on the same lot, so that the Planning Board can study this issue and report to the residents of the Town, or in any way act thereon.*

This article, submitted by petition, seeks to establish a moratorium on the demolition of single family houses that will be replaced by multi-family dwellings. Please see Article 29 of this Warrant for a substitute version of this article.

This Article included in the Warrant on the petition of ten or more voters.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage

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

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Given under our hands this twelfth day of April 2004.

**BOARD OF SELECTMEN**

William N. Brownsberger  
Anne Marie S. Mahoney  
Paul Solomon