

**TOWN OF BELMONT
WARRANT FOR SPECIAL TOWN MEETING
OCTOBER 24, 2005
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, October 24, 2005 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.

ARTICLE 2: Solicitation By-Law Revision

To see if the Town will vote to amend Article 30 of the General By-Laws of the Town, entitled "Door-to-Door Solicitation and Canvassing" by adding a new section 30.8(c) that will limit the time of day that door-to-door solicitation and canvassing may occur, as follows:

"(c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;" or to do or act thereon.

ARTICLE 3: Belmont Country Club Land Exchange

To see if the Town will vote to authorize the Board of Selectmen to enter into a land exchange with the Belmont Country Club as follows:

1. to transfer, pursuant to Chapter 40, Section 15A of the General Laws, the care, custody, control, and management of real property located in the vicinity of Woodfall Road containing 11,967 square feet more or less and identified as Area B on a plan entitled "Plan Showing Woodfall Road Land Exchange Between the Town of Belmont and the Belmont Country Club", dated October 5, 2005, on file in the Town Clerk's Office, to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey said Area B to the Belmont Country Club on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deem to be in the best interests of the Town; and
2. to authorize the Board of Selectmen to acquire by gift, purchase, exchange, eminent domain, or otherwise from the Belmont Country Club real property located in the vicinity of Woodfall Road containing 11,331 square feet more or less and 445 square feet more or less, respectively, identified as Parcels A and C as shown on a plan entitled "Plan Showing Woodfall Road Land Exchange Between the Town of Belmont and the Belmont Country Club", dated October 5, on file in the Town Clerk's Office, for general municipal purposes; or to do or act thereon.

ARTICLE 4: Disposition of Woodfall Road Property

To see if the Town will vote, pursuant to Chapter 40, Section 15A of the General Laws, to transfer the care, custody, control, and management of a parcel of land in the vicinity of Woodfall Road containing 5.4 acres more or less, and identified on a plan entitled "Plan Showing New Configuration of the Woodfall Road Parcel Owned by the Town of Belmont," dated October 5, 2005, on file in the Town Clerk's Office, to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to sell such parcel in accordance with the applicable public bidding procedures contained in General Laws Chapter 30B, on such terms and conditions as the Board of Selectmen deem appropriate, or to do or act thereon.

ARTICLE 5: Disposition of Central Fire Station Property

To see if the Town will vote to transfer, pursuant to Chapter 40, Section 15A of the General Laws, to the Board of Selectmen the care, custody, management, and control of the real property known as the Central Fire Station shown on Assessors' Map 34, Parcel 164A, to be held for the purpose of conveyance, such transfer to be effective on the date the Fire Department vacates the Central Fire Station, and to authorize the Board of Selectmen to sell or otherwise dispose of said real property, in accordance with Chapter 30B of the General Laws, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town, or to do or act thereon.

ARTICLE 6: Historic Accessory Buildings Preservation By-Law

To see if the Town will vote to amend the Zoning By-Law of the Town by adding a new Section 6.11 "Historic Accessory Buildings Preservation" after Section 6.10, "Inclusionary Housing".

Section 6.11 Historic Accessory Buildings Preservation

6.11.1 Purpose

The purpose of this Section is to foster the preservation of certain unique historic accessory buildings in Belmont by permitting their adaptive reuse for purposes that may not be provided for in the Town of Belmont Zoning By-Laws, therefore making their functional restoration feasible.

6.11.2 Definition

A "Historic Accessory Building" is an accessory building, including, but not limited to, a free-standing barn, carriage house or other major outbuilding, which is:

- a) Located on the same lot as a principal building to which it is accessory.
- b) More than 75 years old and is listed on the Inventory of the Historic and Archaeological Assets of the Commonwealth as maintained by the Massachusetts Historic Commission, or
- c) Listed on the National Register or State Register of Historic Places, or
- d) Located within a Belmont Historic District and has been deemed by the Belmont Historic District Commission to be a contributing factor to the district, or
- e) Specifically designated a "Historic Accessory Building" by the Belmont Historic District Commission using the criteria for evaluation established for determining eligibility for the National Register of Historic Places.

6.11.3 Applicability

The Planning Board may grant a Special Permit for the reuse of a Historic Accessory Building allowing the adaptation of such Building for use as not more than one dwelling unit, a home occupation or such other non-residential use as would otherwise be allowed within that zoning district.

6.11.4 Procedure

1. The Belmont Historic District Commission shall determine in writing that the structure in question is a Historic Accessory Building. The Commission shall also review and approve schematic building elevations and site plans. Such initial review shall ensure that the proposed adaptive reuse of the building shall not adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself. After the Commission's initial review and approval, a Special Permit application may be submitted to the Planning Board.
2. An application for a Special Permit to the Planning Board shall comply with the procedures and requirements set forth in Section 7.4 of the Town of Belmont Zoning By-Laws and any other appropriate Sections of the Zoning By-Laws.
3. After the Special Permit is issued by the Planning Board, the final architectural plans and the landscape design for the Historic Accessory Building shall be subject to review and approval of the Belmont Historic District Commission in accordance with the powers and procedures granted to it under Article 15 of the Town of Belmont General By-Laws. This review shall be based on the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
4. An application for a building permit may be submitted after the Planning Board has granted a Special Permit and the Belmont Historic District Commission has approved the final architectural plans and landscape design.

6.11.5 Approval Criteria

Applications for the adaptive reuse of a Historic Accessory Building shall comply with the following criteria, as well as applicable provisions under Section 7.4 of these Zoning By-Laws:

- a) That the proposed adaptive reuse is generally in harmony with the neighborhood and will neither generate excessive impacts on the abutters with regard to traffic, parking, noise or density, nor create other detrimental effects.
- b) If the proposed use of the building is for a home occupation, it must comply with the following criteria:
 1. There is no exterior display or visible storage of supplies or equipment to be used on or off the premises or other variation from the residential character of the premises,
 2. Not more than one person who is not a member of the household is employed on the premises,

3. The production of offensive noise, vibration, odors, fumes, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects shall be prohibited,
4. No articles are sold or offered for sale on the premises,
5. Traffic generated, including pick up and deliveries, does not exceed that normally expected in that residential neighborhood, and
6. All parking shall be provided on-site, and not within a required front yard.

6.11.6 Conditions of Approval

If the Planning Board decides to grant a Special Permit, the Board may impose conditions, safeguards and limitations on time or use that it determines to be appropriate to assure compliance with the criteria set forth herein. Such conditions may also be recommended by other Town Committees or Departments. Conditions may include, but are not limited to, the following:

1. Restrict the use to that which has been requested thereby requiring any change in use to seek approval of the Planning Board;
2. Grant the Special Permit subject to continued ownership by the applicant who applied for the reuse of the accessory building thereby requiring any change in ownership seek approval of the Planning Board;
3. Limit the number of on-site parking spaces and their location;
4. Limit the business operations of the home occupation, such as, the number of patrons/clients visiting the premises, hours of operation, and hours and location of deliveries;
5. Require the installation of additional landscaping and its future maintenance, and;
6. Require the dwelling unit to comply with the provisions of Section 6.10 of these By-Laws.

Upon the recommendation of the Belmont Historic District Commission, the Planning Board may require a perpetual Preservation Restriction on said building and its landscape context to be granted to the Town or other appropriate body or preservation organization under the provisions of Massachusetts General Laws, Chapter 184, Section 31. Such preservation restriction shall be subject to review and approval by Town Counsel.

6.11.7 Coordination with Other Provisions of Zoning By-Law

This Section 6.11 together with the rest of this Zoning By-Law constitute the zoning regulations that the Planning Board shall utilize in determining whether to grant a Special Permit or not. Where this Section 6.11 is in conflict with other Sections of the Zoning By-Laws, the provisions of this 6.11 shall control. Furthermore, the Board may grant waivers of the intensity regulations contained in Section 4 of the Zoning By-Law taking into consideration the location of the Historic Accessory Building on the subject lot and/or the buildings proximity to neighboring structures and/or uses.

ARTICLE 7: Authorization of Senior Center Construction

To see if the Town will vote to appropriate a sum of money for the design and construction of a municipal senior center, including land acquisition costs, the cost of original equipment and furnishings, and all other costs incidental and related thereto, to determine whether such sum shall be raised by borrowing or otherwise, provided that any authorization to incur debt for this project shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote, and to authorize the Senior Center Building Committee to enter into contracts and take all actions necessary to carry out the municipal senior center project, or in any way act thereon.

Given under our hands this 5th day of October, 2005.

BOARD OF SELECTMEN
 Paul Solomon, Chair
 Angelo R. Firenze, Vice Chair
 William N. Brownsberger

**TOWN OF BELMONT
TRANSCRIPT OF SPECIAL TOWN MEETING
OCTOBER 24, 2005
COMMONWEALTH OF MASSACHUSETTS**

[The Special Town Meeting of the Town of Belmont was called to order in the Auditorium of the Chenery Middle School on Monday, October 24, 2005, at 7:30 o'clock p.m., by the Moderator, Henry L. Hall, Jr.]

DR. SOLOMON: MOVE that Article 1 be laid on the table.

The motion is unanimously adopted.

ARTICLE 2

MR. BROWNSBERGER: MOVED: That under Article 2 the reading of the proposed amendment to Article 30 of the Town of Belmont General By-Laws entitled "Door-to-Door Solicitation and Canvassing" be dispensed with, the same being sent [sic] forth -- being set forth in full under Article 2 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

The motion is adopted.

MR. BROWNSBERGER: MOVED: That the Town vote to amend the Town of Belmont General By-Laws by adding a new section 30.8(c) limiting the time of day that door-to-door solicitation and canvassing may occur as printed in the Warrant under Article 2.

The motion is adopted.

ARTICLE 3

MR. FIRENZE: MOVED: That the Town transfer, pursuant to Chapter 40, Section 15A of the General Laws the care, custody, control and management of real property located in the vicinity of Woodfall Road containing 11,967 square feet more or less and identified as Area B on a plan entitled "Plan Showing Woodfall Road Land Exchange Between the Town of Belmont and the Belmont Country Club," dated October 5, 2005, on file in the Town Clerk's office, to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey said Area B to the Belmont Country Club on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deem to be in the best interests of the Town; and authorize the Board of Selectmen to acquire by gift, purchase, exchange, eminent domain, or otherwise from the Belmont Country Club real property located in the vicinity of Woodfall Road containing 11,331 square feet more or less and 445 square feet more or less, respectively identified as Parcels A and C on a plan entitled "Plan Showing Woodfall Road Land Exchange Between the Town of Belmont and the Belmont Country Club," dated October 5, 2005, on file in the Town Clerk's Office, for general municipal purposes.

The motion is adopted unanimously.

ARTICLE 4

MR. FIRENZE: MOVED: That the Town transfer, pursuant to Chapter 40, Section 15A of the General Laws, the care, custody, control, and management of a parcel of land in the vicinity of Woodfall Road containing 5.4 acres more or less, and identified on a plan entitled "Plan Showing New Configuration of the Woodfall Road Parcel Owned by the Town of Belmont," dated October 5, 2005, on file in the Town Clerk's Office, to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to sell or otherwise dispose of such parcel in accordance with the applicable public bidding procedure contained in the General Laws Chapter 30B, on such terms and conditions as the Board of Selectmen deem appropriate.

The motion is unanimously adopted.

ARTICLE 5

MR. BROWNSBERGER: MOVED: That the Town transfer, pursuant to Chapter 40, Section 15A of the General Laws, to the Board of Selectmen the care, custody, management, and control of the real property known as the Central Fire Station shown on Assessors' Map 34, arcel 164A, to be held for the purpose of conveyance, such transfer to be effective on the date the Fire Department vacates the Central Fire Station, and to authorize the Board of Selectmen to sell or otherwise dispose of said real property, in accordance with Chapter 30B of the General Laws, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town.

The vote is adopted by a two-thirds vote.

ARTICLE 6

MR. HAGLUND: MOVED: To see if the Town will vote to amend the Zoning By-Law of the Town by adding a new Section 6.11 "Historic Accessory Buildings Preservation" after Section 6.10, inclusionary housing.

MR. HAGLUND: MOVED: That Article 6 be dismissed.

The motion is adopted.

ARTICLE 7

DR. SOLOMON: MOVED: That there be, and hereby is, appropriated the sum of \$6,328,456 for the design and construction of a municipal senior center, including land acquisition costs, the cost of original equipment and furnishings, and all other costs incidental and related thereto, that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen be, and hereby is, authorized to borrow said sum and to issue bonds and notes therefor under Chapter 44 of the General Laws or any other enabling authority, and that the Senior Center Building Committee be, and hereby is, authorized to enter into contracts and take all actions necessary to carry out the project, provided that this vote shall not take place [sic] until the voters of the Town have approved a Proposition 2 1/2 debt exclusion for the municipal senior center project, provided further that the amount authorized to be borrowed pursuant to this vote shall be reduced by the amount of any grants or gifts received by the Town for this project prior to the issuance of bonds or notes under this vote.

The main motion carries more than two-thirds.

DR. SOLOMON: MOVED: That this Special Town Meeting be dissolved.

The motion carries unanimously.

[The Special Town Meeting of October 24, 2005 was adjourned at 10:35 p.m.]