

- **Belmont Warrant Committee Meeting Minutes**
- **FINAL**
- **November 4, 2009, 7:30 p.m.**
- **Chenery Middle School Community Room**

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- Present: Chair Curtis; Members Allison, Brusch, Callanan, Epstein, Libenson, Lynch, McLaughlin, Smith; BOS Chair Leclerc; SC Chair Rittenburg

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- Town Administrator Younger, Assistant Town Administrator Conti, Town Accountant Hagg

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- Members Absent: Hofmann, Millane and Paolillo

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- The meeting was called to order at 7:34 pm by Chair Curtis.

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- Chair Curtis began by noting that this meeting would be focused on reviewing the Warrant Articles.

- ***Discussion of Warrant Articles 8 and 9 with Planning Board***

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- Ms. Jenny Fallon of the Planning Board, appeared before the WC to present Articles 8 and 9.

- ***Article 9 – Amendment to Zoning By-Law: Inclusionary Housing***

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- An advisory group was formed to review the present zoning by-law on affordable housing. Development has been stopped as a result of the present by-law. The new by-law's main change is the percentage of affordable units required. Ms. Fallon reviewed the percentages per units. The other change is that the new by-law allows for a cash payment in lieu of units for the developer.

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- Member Epstein asked: Where do these parameters come from? Ms. Fallon said they were modeled after by-laws in other municipalities. Member Allison noted that in 2005, the BOS commissioned a "municipal yard stick study" to study communities that are similar to Belmont. None of the communities deemed similar to Belmont are presented in the PB's data. Why is this? Allison asked. Fallon replied that the list is not complete. Allison then noted that the cash payment language had been at the discretion of the developer, and it is now at the discretion of the town. Why, she asked, do we believe the net effect will produce any housing at all, let alone inclusionary housing? Mr. Roger Colton, from the audience, replied that developers want to make it certain and decided upfront, rather than have the market drive it. The town should make the decision up front regarding the parameters of the development. Member Allison suggested that most developers would not view less participation in the decision-making process as a positive.

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- Member Brusch requested that, for TM members, it will be important to have the changes highlighted. Ms. Fallon agreed that the Planning Board would provide a red-lined version to Town Meeting. Chair Curtis noted that the WC does not have to take a position on this Article, but it often does if there is a financial impact to town.

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- The Warrant Committee moved: To recommended favorable action on Article 9.
- The motion passed with one opposed and 10 in favor.

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- ***Article 8 –Amendment to Zoning By-Law: Central/PalfreySquares Interim Planning Overlay District***

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- Ms. Fallon: There has been a lot of discussion about the “transition zone” and there has been public discussion of the zoning of Waverley Square for mixed-use development with up to three stories. A developer has come forth and therefore the PB needs to write some zoning for this. In addition, Planning Board member Carla Moynihan stated, 7-8 developers had expressed some interest if this change were made. This particular section of Trapelo Road is currently zoned for two stories. This amendment would create an overlay district that would allow for three stories of mixed use. Two floors does not make it economically feasible for mixed use.

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- Chair Curtis asked about the neighborhood’s response to this and Ms. Fallon replied that the neighbors support this kind of development. Member McLaughlin asked: Why focus on this section of Trapelo Road when Waverley has not yet been decided? He also commented that the BOS has allocated funds for an overall study of zoning in Belmont (the Comprehensive Plan). Fallon replied that this is a smaller area and more manageable. Member Smith noted that the changes are the in the building’s height, the lot coverage, and the floor-area ratio. He asked: When would those three parameters be permanent? Fallon said that this zoning would be permanent zoning in two years.

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- Member Allison noted that this by-law creates “facts on the ground” that will drive the Waverley Square process. This sets the minimum for Waverley Square without having had the Waverley Square discussion. Fallon replied that this is all done by special permit and that the PB has complete control. Waverley, she added, has been discussed and there is a lot of consensus.

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- The Warrant Committee moved: To recommended favorable action on Article 8.
- The motion did not pass: five voted in favor, five were opposed, and 1 member abstained.

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- ***Discussion of Remaining Warrant Articles***

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- Chair Curtis said that the WC will not take action on the following Articles: 1, 2, 3, 4, 6.

- ***Article 5 – Local Meals Excise Tax***

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- Member Epstein asked if there was a “sunset provision” on the tax. Town Administrator Younger said that TM could rescind in three years, but that it is not sunset. Member Brusch noted that the legislature is looking carefully at communities doing this or not doing this. Mr. Younger noted that many communities have not adopted this yet as they are waiting for their Fall TM. BOS Chair Leclerc said that the BOS was in favor of this, as it felt there are so few ways for municipalities to raise revenue. Member Allison voiced concern that the restaurant owner could ultimately end up absorbing this.

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- The Warrant Committee moved: To recommended favorable action on Article 5.
- The motion passed unanimously.

- ***Article 7 – Minuteman School Budget Resolution***

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- BOS Chair Leclerc: The Minuteman study committee has not reached a consensus. There have been some decreases in per-pupil and operating spending. Minuteman may use its reserve fund to decrease its budget by 4%. Member Brusch said that the operating costs would not have changed; he needs to reduce the operating cost. Chair Curtis advised BOS Chair Leclerc that the WC is solidly behind the study group’s efforts to apply pressure to reduce the costs and bring it more in line with other voc tech schools. Member Callanan said that the study group wants to go forward with the resolution and that, in light of recent state cuts, transportation money will need to be found. BOS Chair Leclerc said he is concerned that “if we are too aggressive with Minuteman, it could hinder finding five other communities to join us.”

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- Member Smith recommended adding “at least” to the Article. Member Brusch said she is not sure that this is the right TM timeframe to go forward with this. She said she is not sure she agrees with all of the “whereas” items. Is the per pupil cost really going down? She asked. They aren’t reducing the costs, they aren’t trying to affect change here. BOS Chair Leclerc said he is still researching all the issues and that there has been “some movement”, but that it may not be meaningful movement.

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- Ms. Anne Mahon, TM member Precinct 4, said we need to vote down the budget now in order to start the process to officially reject the budget at April’s TM (with the other five communities).

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- Member McLaughlin said that this resolution actually attracts the other towns. Ms. Kimberly Becker noted that Minuteman’s cost went up 17.8% while the public school budget went down. We can’t afford to see those increases again. We want to show the other towns we are serious; if we wait until Spring, it will be too late, she said. Chair Curtis added that year after year Minuteman is the most expensive voc tech school. This is a public budget and we have every right to push back on it. Member Brusch said she supports the budget push-back, but asked: How can we vote on a budget we haven’t seen?

- Chair Curtis said that the WC will meet before TM and that this article will be voted on once the language is revised.

- Article 10 will be dealt with in the Spring.

- ***Article 11 – Municipal Light Substation Capital Expenditure***

- The WC has given its support to this.

- The Warrant Committee moved: To recommended favorable action on Article 11.

- The motion passed unanimously.

- ***Article 12 – Telecommunications Tower Long-Term Lease***

- Assistant Town Administrator Conti explained that the town of Belmont leases to Tower Company. This Article would allow the town to move forward with negotiations (with other companies who want to add their antennae to the roof), which would allow Belmont to get more money. Member Libenson asked: Is there a termination clause for town, in the event that the police station moves? Conti responded that the town is preparing the initial draft of the agreement and has included a termination clause in the draft – the town understands the importance of maintaining this language.

- The Warrant Committee moved: To recommended favorable action on Article 12.

- The motion passed unanimously.

- ***Article 13 – Supplemental Appropriation to FY10 Annual Budget***

- ***Article 14 – Authorization to Transfer Balances***

- Assistant Town Administrator Conti said that the town is not moving forward with these two Articles. SC Chair Rittenburg noted that the circuit breaker is \$109K down (cut back in June).

- She added that the impact numbers for individual communities (from the recent state cuts) have not yet come out.

- ***Other***

- Accountant Hagg requested WC members to sign the Ethics Commission Conflict of Interest sheet and to go online to take the test.

- Member McLaughlin moved that the WC adjourn at 9:00 pm.

- Submitted by Lisa Gibalerio
- WC Recording Secretary

