



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

Town of Natick Finance Committee
Meeting Date: September 18, 2014

The minutes were approved through the following action:

Motion:	Approval
Made by:	Jerry Pierce
Seconded by:	Cathy Coughlin
Vote:	10.0.0
Date:	1-13-2015

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

September 18, 2014

**Natick Town Hall
School Committee Meeting Room, Third Floor**

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

James Everett, Chairman
Jimmy Brown, Vice Chairman
John Ciccariello
Cathleen Collins – left at 12:00 a.m.
Catherine M. Coughlin
Bruce Evans, Clerk
Michael Ferrari
Jonathan Freedman

Patrick Hayes – arrived 7:39 p.m.
Mark Kelleher
Jerry Pierce
Christopher Resmini – arrived 7:30 p.m.
Edward Shooshanian – left at 9:41 p.m.

MEMBERS ABSENT:

Mari Barrera
Karen Adelman Foster

ATTACHMENTS:

- A. Agenda for this evening's meeting
- B. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 6, dated 9/17/14, Title: Amend Town Meeting Vote of Article 15 of the 2010 Fall Annual Town Meeting; Disposition of East School, Sponsor(s): Board of Selectmen
- C. Excerpt from the 2010 Town Report, pages 310 & 311 regarding Article 15 of the 2010 Fall Annual Town Meeting
- D. Memorandum to Board of Selectmen from Martha White, Town Administrator, dated 6/11/2014, Subject: East School

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- E. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 35, dated Sept 10, 2014, Title: Housing Overlay Option Plan (HOOP-II) District for Area in West Natick Along West Natick Commuter Rail, Sponsor(s): Richard A. Glaser
- F. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 36, dated September 15, 2014, Title: Housing Overlay Option Plan (HOOP-II) District Area in West Natick Near West Natick Commuter Rail, Sponsor(s): George Richards, et al
- G. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 15, dated 9.10.2014, Title: Study Committee: Sawin House and Appurtenant Land, Sponsor(s): Kenneth W. Van Blarcom, for The Friends of Shaw Park, et al
- H. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 16, dated 9/8/2014, Title: Use of Shaw Park for Cultural, Educational, Historical and Park Purposed, Sponsor(s): Stephen N. Evers, Chairman, Natick Historical Commission, et al
- I. Natick Historical Commission: The Sawin House, Town Meeting Warrant Articles 16 & 17, October 2014
- J. Mass Audubon Broadmoor Wildlife Sanctuary: A Brief Update on the Status of 79 South Street
- K. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 17, dated 9/15/14, Title: Long term lease of Shaw Park for Cultural, Educational or Historic Purposes, Sponsor(s): Stephen N. Evers, Chairman, Natick Historical Commission, et al
- L. Massachusetts General Laws: Chapter 40A, Section 5: Adoption or change of zoning ordinances or by-laws; procedure
- M. Email to Finance Committee from Sandy Cincotta, dated Thursday, September 18, 2014, Subject: Articles 35 and 36 of Fall STM
- N. Natick Finance Committee Standard Set of Warrant Article Questions – Article No. 15, dated 9.10.2014, Title: Study Committee: Sawin House and Appurtenant Land, Sponsor(s): Kenneth W. Van Blarcom, for The Friends of Shaw Park, et al (*revised 9/18/14*)
- O. Letter to Mr. James Everett, Chair, Finance Committee, from Pamela A. Ellis, Tribal Historian and Genealogist, Council Member, Natick Nipmuc Indian Council, RE: Warrant Articles 16 and 17.

Meeting was called to order by Mr. Everett at 7:05 p.m.

The Chairman reviewed the evening's agenda, and general guidelines for conduct of the meeting. He noted that Finance Committee agendas and supporting materials were now available to all via the NOVUS agenda links on the town's website. He reminded all that there would be no meeting on September 25th and that the meeting on September 30th would likely begin at 6:30 p.m. rather than the usual 7 p.m. start.

PUBLIC CONCERNS/COMMENTS:

Mr. Evans announced that the Friends of the Morse Library would hold their annual book sale on the upcoming week end from 9:30 a.m. until 5 p.m. on Saturday and from 12 p.m. until 3 p.m. on Sunday.

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Mr. Everett turned the floor over to Mr. Evans to chair the discussion of Meeting Minutes.

Mr. Evans referred the members to draft Minutes of the Committee’s September 2nd and 4th meetings which had been distributed via email.

September 2, 2014 Finance Committee Meeting:

Noting that all but one of the members present were eligible to vote these Minutes Mr. Evans asked if there were any corrections or additions.

Several changes were put forward following which a motion was made, at 7:12 p.m., to approve the Minutes of the Finance Committee’s September 2, 2014 meeting as amended.

Moved/Motioned by:	Mr. Ciccariello
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote:	10 – 0 – 0 (unanimous)

September 4, 2014 Finance Committee Meeting:

Mr. Evans advised that all but one of the members present were eligible to vote these Minutes and asked if there were any corrections or additions.

Several changes were proposed following which a motion was made, at 7:15 p.m., to approve the Minutes of the Finance Committee’s September 4, 2014 meeting as amended.

Moved/Motioned by:	Mr. Freedman
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote:	10 – 0 – 0 (unanimous)

OLD BUSINESS:

Subcommittee Reports:

Mr. Brown reported that the General Government Subcommittee had attended the previous evening’s hearing of Articles 35 and 36 by the Planning Board. He also noted that the Community Services Subcommittee held a meeting on September 15th to review Articles 15, 16 & 17, and he expected Messrs. Hayes and/or Resmini, as Chair and Vice Chair, respectively, of that subcommittee, would report further on these hearings at a later point in the meeting. Drawing the members’ attention to the Articles to be heard on September 23rd, he requested that questions be submitted to him in advance to permit these to be forwarded to the sponsors prior to that meeting.

Public Hearing FY 2014 Fall Annual Town Meeting Warrant Articles:

A motion was made, at 7:16 p.m., to open the public hearing on the FY 2014 Fall Annual Town Meeting Warrant Articles.

Moved/Motioned by:	Mr. Ciccariello
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	11 – 0 – 0 (unanimous)

Article 6 – Amend Town Meeting Vote of Article 15 of the 2010 Fall Annual Town Meeting: Disposition of East School:

The Chair welcomed Ms. Martha White, Natick Town Administrator, to the podium to present information relating to Article 6.

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The members were referred to several items in the handouts (Attachments B, C & D) providing additional information concerning this Article.

Ms. White reviewed the background, objectives and rationale for Article 6 as detailed in the responses to the Standard Questions (Attachment B).

Benefits of this plan include:

- Saves the School Department – thus the Town – \$30,000 per year and would generate rental income from the non-profits.
- Support of non-profit organizations that provide services to residents of Natick and area communities
- Retaining control of this strategic property, which provides indoor and outdoor recreational space for the East Natick neighborhood and the community
- Facilitating future flexibility in the use of this property; such opportunities may prove crucial given increasing space needs for governmental operations
- The former East School has had minimal municipal use since the Council on Aging operations located to the new Community-Senior Center in October 2012. Recently the East School property has served as a staging area for the Route 9/Oak Street construction project. That work is scheduled to be completed in fall 2014.
- Without this article, Requests for Proposals (RFPs) would be required to include both a lease and sale option which would discourage potential leases.
- This fall, the Natick School Department's Achieve Program was relocated, with the Selectmen's assent, to the East School. This program, which provides continuing education and life skills training for developmentally disabled young adults aged 18-22, was housed in space leased from the Natick Housing Authority at the rate of \$30,000 per year. The Achieve Program is utilizing only about ¼ of the available space within the East School.
- The intent is for the remaining space is that it be rented to area non-profit organizations, a number of which have expressed interest in leasing space at the East School.
- The Administration and the School Department share the objective that priority will be given to organizations that can offer job training or other complementary benefit for the Achieve Program participants.
- Potential leases would be solicited through a Request for Proposal process. A panel, to include the School Department Director of Special Education, will be established to review responses to the RFP.
- Lease revenue would go into the General Fund and would be expected to more than offset incremental operating expenses. Lease terms would be based on market rates for equivalent leases to non-profit organizations and should at cover all utility and maintenance costs.

MEMBER QUESTIONS AND DISCUSSION:

- If the Article is approved it is anticipated that a panel, to include the School Department Director of Special Education, will be established to review potential non-profit lessees, to assure that priority is given to organizations which can offer job training or other benefits to Achieve program participants, with the Selectmen as the final approval authority for any lease arrangements.

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- Lease revenue would go into the General Fund and would be expected to more than offset incremental operating expenses. Lease terms would be based on market rates for equivalent leases to non-profit organizations. Although it was pointed out that the School Department has its own energy budget, the plan is to continue to cover energy costs for this facility from the General Government energy budget.
- Questions were raised regarding potential capital upgrades which could be required to accommodate possible tenants. The Administration expects cost reimbursement for any significant capital needs related to prospective tenants to be addressed as part of lease negotiations.
- There is currently no plan to return to the General Government the \$30,000 current fiscal year savings to the School Department resulting from moving the Achieve Program to the East School site.
- The Town Administrator believes there are no hazardous materials in the building which would present issues in moving forward with this plan.
- Questions were raised regarding the stipulations of the 2010 Town Meeting vote relating to analysis and reports, under the Selectmen’s direction, regarding appraisal, environmental assessment, hazardous materials testing and analysis, building systems and other capital development analysis. It was noted that, apart from upgrades to systems and premises to accommodate temporary relocation of the Senior Center, comprehensive evaluation and analysis had not been completed, and long term lease vs. sale prospects had not been explored.
- A simple majority of Town Meeting members will be required to pass this Article.

A motion was made, at 7:50 p.m., to refer the subject matter of Article 6 to the sponsor.

Moved/Motioned by:	Mr. Brown
Seconded by:	Mr. Ciccariello

A motion was made, at 7:51 p.m., to move favorable action on the subject matter of Article 6.

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Freedman

Motions or Debates:	<ol style="list-style-type: none">1. Mr. Brown said he was concerned that the studies called for under the original 2010 Town Meeting vote had not been done and thought if this were referred back to the Selectmen, those studies could be added to any revision vote and, since the Achieve program was already in place he felt this would not affect continuation of that arrangement. He felt the studies needed to be done for the town, as had been discussed when this was previously voted by Town Meeting and suggested this would also address the questions which had been raised regarding presence of asbestos, or any other hazardous materials.2. Mr. Ciccariello agreed with the previous speaker and said there was no doubt there was some validity in what the Administration was proposing but there was no plan or financial analysis to support the proposal. He said schools had been converted to many different uses and it had been one of the expectations of the 2010 Town Meeting vote that a study should be conducted to determine the best use for this building. He pointed out that no major improvements had been made to accommodate the
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	<p>temporary use of the facility by the Senior Center and, based on his personal and professional experience, he knew the potential costs for renovation and upgrade would not be minor as environmental issues such as lead paint and asbestos, had not been thoroughly evaluated and he knew there were old tiles which pre-dated 1970 when the asbestos laws were enacted. He also knew the building's roof could not accommodate any additional load such as would be required for location of HVAC equipment. He said great care should be taken with regard to what uses were considered for potential tenants because conflicting mixed uses could trigger code applications which could result in costs to the town far in excess of any potential revenues, and he didn't want a repeat of the experience of the Montessori lease where the town lost considerable money over the course of many years. He also expressed serious concerns that, although the Administration had stated that \$30,000 would be saved, there was no plan to return this to the town even though the town had given the School Committee a budget to pay for these costs. He said he didn't disagree the Administration's idea could work, but that a fully thought out plan was needed with details regarding potential revenue and costs.</p> <ol style="list-style-type: none">3. Ms. Coughlin questioned whether the continued use by the School, in the absence of any change in the Town Meeting vote, would raise any legal issues.4. Mr. Evans said he shared the concerns regarding potential operating costs but thought the Administration's proposal offered a short term opportunity to test the waters and gauge potential interest and feasibility of the proposed use. If it worked, the arrangement could be extended or, if costs proved to be prohibitive other ideas could be reconsidered. For now, he said he saw this as a viable path which was not irrevocable so he would support favorable action.5. Mr. Freedman said he didn't think there would be any legal issues raised by the current arrangement since the building and its use remained under the control of the Selectmen. He pointed out that the 2010 vote only authorized action and did not require a specific action. He said some interesting points had been raised with regard to the utility costs, but he saw that as a procedural issue which didn't necessarily require Town Meeting action. He also pointed out that this became a less critical issue if there were other tenants in the building as that could result in this becoming a net benefit to the town. He noted that the 2010 Town Meeting vote allowed no options in the sense that if the town wanted to issue an RFP, both lease and sale must be offered. In his view, approving the Administration's proposal offered the town greater flexibility to explore short-term, as well as long-term options, but did not preclude continued exploration of long-term opportunities. He said he would like more information concerning the condition of the building, but he didn't view that issue to be either prohibited or required by action on this Article. He concluded by pointing out that favorable action on this Article did not preclude the Administration from activating a Study
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	<p>Committee and looking at the long-term needs of the building; it only offered greater flexibility and he saw no downside in recommending favorable action.</p> <ol style="list-style-type: none">6. Mr. Kelleher said, in his view, the only way to ensure that the study be done was referral. He said the Administration had explained the direction they planned to take and so the only way to get the information on costs, asbestos, etc. was through the referral motion, so he would support referral.7. Ms. Collins disagreed with the previous speaker saying that referral would not ensure that the study would be done. She said she wasn't sure why it had not been done, but viewed that as a separate matter. She said she was impressed that the town had found this creative way to deal with the State mandate to offer educational services to the students in the Achieve Program. She pointed out that any long-term lease would still have to come before Town Meeting and this would simply make some of the verbiage different. She shared concerns related to costs, but pointed out that these would come before the Committee as part of the budget review and she didn't even feel this needed to be a profit center, only wished to ensure it did not emerge as a new cost center. She agreed there was additional information needed, pointing out that if there was asbestos present, the town wouldn't even want these students in the building, but for now, she would support the request for additional flexibility and vote in favor of favorable action.8. Mr. Brown pointed out that if a short term lease of 3-5 years was in place this could preclude the possibility of securing a longer term tenant who might not wish to wait, and said he felt it was wrong to ask Town Meeting to change what had been a well-vetted vote. Although he agreed that a Study Committee had not been specifically mentioned in the vote, he believed that was implied and felt it was not right that the Selectmen had not carried out the actions suggested by Town Meeting. Had the studies been completed to serve as a basis for this request he felt this would be more palatable.9. Mr. Pierce said the building was in good condition during the Senior Center's temporary occupancy with the exception of the windows. He also noted that the Achieve Program was very valuable based on his experience with some of the participants who worked in the Senior Center Café and elsewhere in the community.10. Mr. Ferrari said he viewed this as primarily a housekeeping issue, pointing out that the town's needs changed over time and suggesting that the long term lease might make less sense at this time. Noting the town's evolving space needs, including those of the School Department, he said he would support favorable action to give the town needed flexibility going forward.11. Mr. Everett said he was interested in seeing the cost/benefit analysis to support the idea put forward and agreed with a previous speaker that the \$30,000 could only be viewed as a cost saving if the money wasn't spent. Since this was in a budget where there was bottom line authority it wasn't possible to be
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	sure of that and he strongly recommended that the town and school Administrations get together and work out a cost transfer for this. He also reminded all of the experience with the Eliot School where delays imposed by a study committee process had resulted in loss of a prospective tenant and said he believed having a certain lease for a shorter term was better than waiting for the possibility of a longer term lease which might not materialize. He said he would support favorable action because he viewed this as simply the first step of a plan and said it wasn't always practical to wait for a fully fleshed out plan and when budgets were reviewed there would be an opportunity to look more closely at the financial details of this.
Vote: (Referral)	4 – 8 – 1
Vote: (Favorable Action)	9 – 4 – 0

Article 35 – Housing Overlay Option Plan (HOOP-II) District Area in West Natick Along West Natick Commuter Rail (Map 39, Lots 27, 28, 29):

Mr. Ciccariello recused himself from participating in the hearing of this item based on past associations with the sponsor and left the room.

Mr. Brown noted that he operated a business very near the property which was the subject of this Article but did not have any financial interest in the matter.

Mr. Evans noted that his wife was a member of the Planning Board but did not expect that to influence his views on this Article in any way.

Mr. Everett welcomed Mr. Richard Glaser, of 281 West Central Street, sponsor of Article 35, to the podium.

The members were referred to the responses to the Standard Questions for this Article (Attachment E) included in the handouts.

Mr. Glaser reviewed the objectives and rationale for Article 35, as detailed in Attachment E, and the floor was opened for questions.

Mr. Brown noted that the sponsor's presentation was consistent with the information presented to the Planning Board the previous evening.

Member questions and discussion included the following:

- The Economic Development Committee voted unanimous support for this Article.
- The Planning Board voted referral due to questions related to whether language in the by-laws section regarding HOOP Districts applies only to Natick Center or can be applied to other areas in the town, and the fact that maps were not filed with the Article.
- Detail of Chapter 40A, Section 5 of the Massachusetts General Laws (Attachment L) was presented to support the proponent's opinion that maps were not required to be filed with the Article. Although a possible amendment to expand the relevant purpose clause in the town by-laws was discussed, it is the proponent's opinion that the existing by-law, as worded, would permit its application to this proposal.
- There is a commitment that 15% of the proposed units will be designated as affordable if this is approved.

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- The proponent believes the proposed housing would appeal to young professionals and older individuals who are downsizing, and thus the potential impact on the schools would be minimal.
- Questions were raised as to whether possible changes to accommodate issues raised by the Planning Board would be outside the scope of the Article and therefore whether this could, in fact, be acted on at Town Meeting.
- Town Counsel will be consulted for clarification of the issues raised related to language pertaining to HOOP Districts in the current by-laws.

Public concerns and comments:

An email concerning Articles 35 and 36 from a town resident (Attachment M) who was unable to attend the evening’s meeting was read into the record. Issues raised in this communication focused on concerns of neighborhood residents local to the area under consideration in these two Articles which included increased density which would be permitted with favorable action in comparison with current zoning which would allow for 6 units to be developed on the parcel as of right, and the impact on traffic and exacerbation of existing drainage problems the increased housing would have.

A motion was made, at 9:05 p.m., to refer Article 35 to the sponsor and the Planning Board.

Moved/Motioned by:	Ms. Collins
Seconded by:	Mr. Evans
Motions or Debates:	<ol style="list-style-type: none"> 1. Ms. Collins said she didn’t see how any other action could be taken on this when even the Planning Board, who wrote the existing by-law regarding HOOP was uncertain about its applicability and she needed further guidance before she could support favorable action. 2. Mr. Evans agreed saying he wanted to hear what Town Counsel had to say regarding these questions and he was also concerned about the drainage issues which had been raised. 3. Mr. Brown agreed with the two previous speakers saying this was not a judgment on whether this was good or bad but, based on this, and the previous, evening’s discussion he expected these questions to be raised at Town Meeting. Acknowledging that time was short, he nevertheless suggested that, if the sponsor was able to get back with the Planning Board to resolve any of the questions before Town Meeting he thought that could help to move the discussion forward in that forum. 4. Mr. Hayes said he would also support referral but said he felt the Finance Committee too often got caught up in “downstream” issues such as, in this case, the potential impact of a future development on traffic and drainage, which were not relevant to the particular item on the table, which was a zoning change, not a development project. 5. Mr. Freedman agreed with the previous speaker and said if an answer came back from Counsel which supported the proponent’s view of the applicability of the current by-law, that might be reasonable grounds to reconsider this. 6. Mr. Evans agreed that the specifics of a potential property were outside the scope of this and said if a favorable ruling came back from Counsel he would be happy to move forward with this. 7. Mr. Everett reiterated that he would consult Town Counsel on

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	this matter and pointed out that even if a recommendation for referral went forward, a favorable motion could always be made at Town Meeting. He also agreed that reconsideration was a possibility if time permitted, but reminded all that the Finance Committee’s schedule was very tight.
Vote:	11 – 0 – 1

Article 36 – Housing Overlay Option Plan (HOOP-II) District for Area in West Natick Near West Natick Commuter Rail (Map 40, Lot 87):

The Chairman welcomed Mr. George Richards, sponsor of Article 36, to the podium.

The members were referred to the responses to the Standard Questions for this Article (Attachment F) included in the handouts.

Mr. Richards reviewed the objectives and rationale for Article 36, as detailed in Attachment F, and the floor was opened for questions.

Member questions and discussion included the following:

- It was noted that when earlier HOOP II districts were approved, by Town Meeting and, subsequently, by the State Attorney General, the “Natick Center” jurisdictional issue was not raised.
- It is believed the owners of the property in question under this Article wish to proceed with some development within the next six months; however, there is no certainty that any development would occur even if this Article were to pass.

Public concerns and comments:

Mr. Josh Ostroff, Chair of the Board of Selectmen, speaking on his own behalf, noted that when the Finance Committee considered the report of the Strategic Planning Review Committee they would be asked to support pursuit of a comprehensive planning process for the town and said he did not believe an adequately comprehensive context was in place at this time for consideration of zoning Articles. He said he was personally receptive to what these two Articles were proposing to do, because he thought many residents were looking for something like this for the future, but he also pointed out that not everyone agreed.

Mr. Mike Lenihan, a resident from Precinct 6, pointed out that if the housing being proposed under these Articles proved to be attractive to current residents who were interested in downsizing, that could mean that single family homes would become available for families with children interested in moving into the town, so he disputed the suggestion that these developments would have minimal impact on the town’s school system.

Mr. Brown reported that Mr. Richards had presented the same information to the Planning Board on the previous evening and that Board had raised similar issues as had been discussed with regard to the previous Article.

Mr. Richards reported that the Planning Board had continued their discussion of this Article to October 1st but, as he would not be available on that date, he was planning to attend that Board’s October 15th meeting. He said future activity would depend upon what was learned from Town Counsel’s response to the questions which had been raised.

A motion was made, at 9:35 p.m., to refer Article 36 to the sponsor and the Planning Board.

Moved/Motioned by:	Mr. Freedman
Seconded by:	Mr. Brown
Motions or Debates:	1. Mr. Freedman said his reasoning was largely the same as that regarding the previous Article. He thought there was potential

	<p>value in both of these proposals and there seemed to be a desire for development of this type of housing but he wanted to see further exploration of some of the questions raised before taking further action. He pointed out that a referral motion did not preclude further discussion of this on Town Meeting floor.</p> <ol style="list-style-type: none">2. Mr. Brown agreed with the previous speaker's comments and added that, although he didn't always agree with the decisions and actions of other town boards, in this case he felt it wise to yield to the Planning Board and noted that these proposals were getting closer to an acceptable outcome. He reiterated that, if nothing could come back before the Finance Committee before Town Meeting it was always possible to further the discussion on Town Meeting floor.3. Ms. Collins said she would support referral and said she looked forward to living in a world in which 2,500 square feet was considered downsizing.4. Mr. Ciccariello said he would support referral but would really prefer no action on this. He said he was tired of having sponsors come forward with proposals to build more multi-family housing on properties where single family homes could be developed. He said he thought the motivation had more to do with benefits to the developers than to the town and suggested there was a greater demand for more senior housing to accommodate existing residents instead of adding more units to encourage more people to move into the town.
Vote:	13 – 0 – 0 (unanimous)

The Chair called a recess at 9:41 p.m.

The Chair called the members back to order at 9:53 p.m.

Article 15 – Study Committee: Sawin House and Appurtenant Land:

The Chair welcomed Mr. Kenneth Van Blarcom, sponsor of Article 15 to the podium

The members were referred to information in the handouts (Attachments G, I & J) which provided supporting information relating to this Article.

Mr. Evans disclosed that, in addition to being a Planning Board member, his wife was also on the board of the Natick Historical Society and he was a member; however, he did not believe this would influence his deliberations on these Articles.

Mr. Hayes summarized a lengthy meeting of the Community Services Subcommittee on September 15th during which Articles 15, 16 and 17 were heard, noting that although several motions were put forward none received a majority and therefore the Subcommittee had no recommendations for the full Committee.

Mr. Van Blarcom reviewed the objectives and rationale for Article 15, as detailed in the responses to the Standard Questions (Attachment G) and the floor was opened for questions.

Member questions and discussion included the following:

- A revised version of the responses to the Standard Questions for this Article (Attachment N) included a proposed motion for appointment of the Study Committee by the Town Moderator and delineation of the Committee's charge and suggested composition.

- The proponents initially proposed this idea to the Selectmen but it was tabled by that body.
- Excerpts of a document prepared by the Natick Historical Commission and the Natick Historical Society presenting information relating to the Sawin House and Shaw Park (Attachment I) was read into the record.
- Questions were raised regarding what authority the proposed Study Committee would have to study and effect action pertaining to a structure located on property not under the control of the town.
- The roles, distinctions and respective authority of the town- appointed Historical Commission and Historic District Commission, and the private non-profit Historical Society were reviewed.
- The Sawin House is listed on the town's registry of historic properties, filed with the Massachusetts Historical Commission, which is an initial step toward one of several potential actions including nomination to the National Register or establishment of a single house historic district. Although neither of these processes have been undertaken, the property does enjoy the limited protection of the "demolition delay" ordinance through which the Historical Commission can delay potential demolition of a listed property for up to six months to provide an opportunity to identify alternatives to demolition.

Public concerns and comments:

Mr. Randy Johnson, an architect and resident of the town, supported this proposal based on his perception that this would allow for a more comprehensive view of all relevant issues to look beyond the individual perspectives of the current owner and to "think outside the box." He noted that the history of the land on which the building is sited was also important and he believed the open-ended charge proposed for the Committee was a positive aspect.

A letter (Attachment O) from Pamela Ellis, Tribal Historian, Genealogist and Council Member for the Natick Nipmuc Indian Council, in support of Articles 16 and 17, was read into the record.

Mr. Peter Golden, a Town Meeting member from Precinct 6, said this was a about the town's identity and origins and offered an opportunity to examine that to understand these origins and what the town could become in terms of this extraordinary heritage. He urged the members to support this Article.

Mr. George Sawin, a resident of Boston and descendent of Thomas Sawin, the original owner of this house, said no one wanted to see this house come down and everyone he had spoken with wanted to see it remain where it was out of respect for the house and its relationship to the land. Noting the sentiments expressed in the letter from Ms. Ellis, he pointed out that the house was a symbol of the trust between the native people and their invited guests, of which his ancestor was one, and said it continued to be an important symbol for the town today as well as for the descendants of those Native Americans and it was an integral part of the cultural, as well as physical landscape. He noted there had never been any discussion about moving the house – only taking it apart and re-purposing the lumber to build a facsimile elsewhere – and said once the house was removed from that landscape it would not be the same. He said there had been a lack of education about the house and this property in the town, and what it meant to the town's identity, as well as a lack of disclosure and documentation. He said Article 15 proposed the correct sequence: investigate, report and then take action, whereas the other Articles put it backwards. He said this was the only reasonable way to proceed because once the house came down, it wouldn't matter what was done with it.

Mr. Stephen Evers, Chair of the Natick Historical Commission, said he didn't see a need for a Study Committee as he believed the town had sufficient jurisdictional authority to make a decision on this matter. He said the Historical Commission understood the alternatives for the house including several which would provide for renovations to the house on the site and a stewardship program which would provide for someone to live in the house rent free and make repairs and maintain the house. These options had been reviewed with the owner, however, and rejected as Mass Audubon did not want the house in the center of their wildlife sanctuary.

Mr. Ostroff explained that the Board of Selectmen had heard two requests earlier in the summer to establish a study committee for this matter under citizens' concerns and pointed out that the Selectmen did not customarily act on citizens' concerns and there had never been an agenda item following that which would have provided the opportunity to act. He said he had grown up in an historical house and had great sympathy for the attachments felt for this property. He said the Selectmen had not yet taken a position on this Article.

A motion was made, at 11:07 p.m., to move favorable action on the proposed motion under Article 15 as detailed in Attachment N with the addition of one representative to the proposed Study Commission to be appointed by the Friends of Shaw Park and reducing the number of members of the public to be appointed from four to three.

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Pierce

A motion was made, at 11:09 p.m., to recommend no action on the subject matter of Article 15.

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Ciccariello

Motions or Debates:	<ol style="list-style-type: none">1. Ms. Coughlin said she believed this study should be as unbiased as possible and looked forward to receiving an unbiased report regarding the future and location of this house. She explained that she proposed the change in composition of the Study Committee to even the playing field and wholeheartedly supported this Article.2. Mr. Pierce said he was a friend of Shaw Park as he lived very near the Park and approximately 0.5 mile from the Sawin House, where he had resided for 44 years. Noting that the house had previously been the headquarters of the Broadmoor Audubon he said for approximately 25 years the house and property had been well maintained with tenants who kept it up, mowed the grass, etc. Noting he visited the area frequently, he said he had never seen the house as disruptive to the landscape and couldn't envision how it could be considered to be in the center of any pathway through the sanctuary, as had been mentioned by an earlier speaker from the public. He said he believed that, when this property was deeded to the Audubon Society, the owner expected that the house would be respected and maintained and he thought such gifts should be honored. Since the Society had built its new headquarters on Route 16, however, he had observed that the property had been neglected and had become an eyesore, which he felt showed disrespect to a generous gift by the Society. He said he felt this was the type of property which the town should consider taking by eminent domain.3. Mr. Evans said he proposed no action to let Town Meeting decide
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	<p>what to do with this without biasing the decision with any recommendation from the Finance Committee. He said he saw no flaw in the suggested Committee composition proposed in the Article which would justify a referral motion, and since Shaw Park did have a vested interest, he didn't support the favorable action motion. He noted that this had come before the Recreation & Parks Commission as well as the Selectmen and neither had taken action, so he proposed to send this to Town Meeting and let that body decide.</p> <p>4. Mr. Ciccariello said he wasn't in favor of no action because he thought Town Meeting might choose not to debate this further based on an assumption the Finance Committee had vetted it and truly recommended no action. He said he had considered referral but decided against that as it would simply delay the process further. Although he still had some questions after listening to the testimony he was reassured that the town at least had a mechanism to delay any demolition for at least six months and, although he wasn't sure whether the town could legally get access to the property, he felt that, if Town Meeting appointed this Study Committee and the Audubon Society refused access and/or prevented the Committee from carrying out its charge, that would send another message. He said he expected the results of the Study Committee process would come back before the Finance Committee before being presented to Spring Town Meeting and would support favorable action.</p> <p>5. Mr. Everett pointed out that a no action recommendation did constitute a recommendation.</p> <p>6. Mr. Freedman said he had done a great deal of reading and research on this, had visited both sites and had regained an understanding and appreciation for the history and the town's evolution from the 1600s, and how everything fit together. He agreed that a comprehensive look at the entire picture was needed and a Committee should be formed, and it was incumbent on the Finance Committee to make a recommendation on this to Town Meeting. He appreciated the increased specificity of the motion drafted in the revised responses to the Standard Questions for this Article (Attachment N) and pointed out that this did not preclude inclusion of someone from the Friends of Shaw Park, but he didn't see any harm in specifying that in the favorable action motion. He said he wasn't sure what impact the Study Committee's recommendations would have but he believed the essence of this process would be the dialogue in which both the owners and town representatives must be involved, although he pointed out that the Study Committee would not have the authority to speak on behalf of the town. He said he hoped constructive and beneficial discussions would take place to increase everyone's understanding of the issues and lead to a decision based on full knowledge of what this all meant to the town. He urged support for favorable action.</p> <p>7. Mr. Brown said in general, he disliked Study Committees saying the town invested a great deal in study committees and consultants but rarely did reports come back from these. On the other hand, he said he was very supportive of study committees which came forward from citizens' recommendations to study something which would be beneficial to the town. He said he recognized there might be some</p>
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	<p>cost involved but he expected that, if appointed, this Committee would do the work and come back with a report. With respect to the importance of the town’s history he said too many were inclined to forget or erase the town’s history and traditions which were so important and noted that few had greater pride and appreciation for what had happened here than the Native Americans and he viewed this as directly related to that. He expressed strong support for favorable action and said he planned to vigorously support this as well on Town Meeting floor.</p> <p>8. Ms. Collins said she would also support favorable action but said she thought much of this could have been avoided, pointing out that information was already available regarding potential costs to renovate and even relocate the house; and that the house had been on the town’s inventory for many years and studies had been done on the architecture as well as, to some extent, the land. She reiterated the point made by earlier speakers regarding the remoteness of the setting and the impression that recalled how it must have been for the early inhabitants to have no neighbors within miles. She said she thought this was a good process and that it was important to know where we had come from in order to determine where we would go.</p> <p>9. Mr. Hayes said he would also support favorable action but he wasn’t crazy about it. He thanked the proponents for revising their motion to respond to the suggestions and guidance of the Subcommittee. He said he thought the process was necessary but expected that most could predict what the outcome would be and pointed out that this was all about a house which everyone wanted but couldn’t get it the way they wanted it. Summarizing the situation, he said the Audubon Society had presented the town with a Hobson’s choice in offering the house but not in its present location; the Historical Society proposed to move the house in order to keep it; and the Friends of Shaw Park loved the house but didn’t want it in the Park. He said in the end, no one got what they wanted and suggested that perhaps eminent domain was the best solution even though nobody would win in that scenario.</p> <p>10. Mr. Everett said the proposed motion was intended to produce an independent, unbiased examination of this situation with no preconceived conclusion. He agree that the Finance Committee had the right to suggest, as had the maker of the motion, additions to the proposed composition, but questioned the authority of a committee composed of town-appointed representative with respect to a private entity. He pointed out that the Study Committee would have no authority other than to conduct the study and present a report which, to him, was sufficiently benign that he was comfortable supporting favorable action.</p>
<p>Vote: (No Action)</p>	<p>1 – 11 – 0</p>
<p>Vote: (Favorable Action)</p>	<p>11 – 1 – 0</p>

Article 16 – Home Rule Petition: Use of Shaw Park for Cultural, Educational, Historical, and Park Purposes & Article 17 – Home Rule Petition: Long-Term Lease of a Portion of Shaw Park for Cultural, Educational or Historical Purposes:

The Chair welcomed Mr. Evers to the podium to speak to Articles 16 and 17.

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The members were referred to the responses to the Standard Questions for these Articles (Attachments H and K).

Mr. Evers presented an overview of Articles 16 and 17 as detailed in Attachments H and K and the floor was opened for questions.

Member questions and discussion included the following:

- Whereas the Historical Society is willing, and has already taken steps to raise the necessary funds for restoration and relocation of the house to Shaw Park, the proponent is unsure that funds could be found for the necessary renovations if the building were taken by eminent domain.
- Questions were raised regarding the sequence of events through which these Articles were placed on the Warrant and the propriety of Town Counsel's assistance in drafting the Articles.
- Questions were raised as to whether situating the house in Shaw Park would be consistent with the donor's intended use of the land given to the town for use as a park or whether this would be considered a misuse of the bequest.
- The Article's proponent cited other examples where structures and monuments were located in parks to memorialize the past.
- If approved, several additional steps will be needed, including Zoning Board authorization for the intended uses, unanimous approval by the Conservation Commission and resolution of issues related to the reduction in open space.

Public concerns and comments:

Elissa Landre, Sanctuary Director, Mass Audubon Broadmoor Wildlife Sanctuary, said that organization had never had any intention of tearing down the Sawin House, pointing out that the organization had been a good neighbor in the town for more than 40 years. Referring all to detail provided in the handouts (Attachment I) regarding the property, she said a very lengthy and comprehensive process over a five year period had been undertaken to examine the house which was found to be seriously compromised structurally, and the Sanctuary had then partnered with the town's Historical Society to explore options for restoration and use for educational purposes at some alternative site. She said it had always been her organization's intent to commemorate the site as the site of the Sawin House, but they had been unable to identify any use for the house on the site itself. She stated that the Mass Audubon Society were in support of Articles 16 and 17.

In response to members' questions, she stated the following:

- The gift of the land to the Audubon Society was for the express purpose of maintaining a wildlife sanctuary and there was no mention of any buildings or structures in the bequest.
- Access was an issue and the Society's parking lot and visitor center had been moved elsewhere due to concerns regarding safety and visitor traffic flow.
- The Society does not have the resources to renovate or manage the site as a museum.

Candy Hulton, a Friend of Shaw Park, presented testimony in opposition to Articles 16 and 17, and in support of Article 15. Highlights of her remarks included the following:

- She has done considerable work in the past in the interest of preserving open space in the town.

- She believes the town has done a poor job of utilizing, optimizing and carrying out the intent of the bequest by Mrs. Shaw of the Park in the center of Natick. A plan developed by Nancy Halpern was never implemented. Another plan by Ms. Halpern, which she believes should be supported by the town, was presented to the Recreation & Parks Commission in 2014 to include placement of benches and replacement of shade trees.
- She opposes the lease of town open space to the Historical Society, a private organization, and sees this as setting a bad precedent.
- Although the use proposed by the Historical Society for the building is stated to be educational purposes, she believes the only time students would be able to visit would be on Wednesdays between 10 a.m. and 4 p.m. which are the posted hours during which the Society is open.
- Although the structure proposed is described as a historic building she believes only a small part of the structure would consist of Sawin House artifacts and the remainder would be new construction.
- With one member abstaining because of her affiliation with the Historical Society, the Open Space Advisory Committee recently voted to support these Articles. She believes another member with a similar affiliation who voted in support thereby failed to honor the mission of that Committee to preserve open space in the town.

Mr. Mike Lenihan, Vice Chair of the Open Space Advisory Committee reported that the vote mentioned by the previous speaker was 3-1-1 and even if the member in question had abstained, the favorable vote would still have carried. He agreed that removing land from Chapter 97 protection should not be done lightly, but said this was an unusual case and only a small amount of the Park would be used by this building. He agreed the Park had never been developed during the approximately 80 years of town ownership and suggested the Friends of Shaw Park had coalesced only recently to oppose this proposed use. He also agreed with previous speakers that all would prefer the house to remain in its current location, but as that appeared to be unrealistic, he viewed this as the least undesirable alternative. Initially, he said taking the property by eminent domain seemed a viable option but, on reflection, the potential damage he felt that would cause to the longstanding good relationship the town had enjoyed with the Audubon Society seemed too great a price. He pointed out that Articles 16 and 17 were enabling legislation and did not preclude the process proposed under Article 15; however, he stressed that the potential timeline could result in “demolition by neglect” if some action to preserve the house was not taken soon.

Mr. Bancroft Wheeler, a resident of 96 Eliot Street for 35 years, and a member of the Open Space Advisory Committee, the Natick Historical Society and the Broadmoor Advisory Board, acknowledged that he had voted in favor of these Articles contrary to the suggestion by a previous speaker. He said he walked or drove by Shaw Park almost daily and the Park was almost always vacant and he believed that any building located there would not inhibit the activities which took place in the Park.

Mr. Peter Golden reviewed relevant policy language from the Commonwealth of Massachusetts Energy and Environmental Affairs Article 97 relating to land disposition policy which, in his interpretation, indicated that either cash equivalent to the value or land elsewhere in the town must be made available to offset any open space land taken out of use as open space. He also pointed out that the Shaw Park lot was non-conforming in terms of the applicable town zoning regulations and that the future office use which had been stated would also not be permitted. Given these several obstacles he urged the Finance Committee to vote no action on Articles 16 and 17.

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Mr. Jim Morley, a resident of South Natick and past president of the Natick Historical Society, said the Society which had a 144 year history, was one of the town’s oldest private societies and its members had devoted themselves to researching, interpreting acquisition and preservation of the town’s historical artifacts with the goal of making these available to the town and its residents. He said what the Society was proposing to do, i.e., preservation of an historic house, had not been done before and was expensive and required special talent and expertise. In addition, he said the Society needed more space, pointing out that the museum space in the basement of the Bacon Free Library was crowded and insufficient. He cited the unique value of the Sawin House, noting its original construction circa 1696 was older than nearly any other building in the region. He said the Society was also interested in Shaw Park and had spoken with descendants of Mrs. Shaw and all were very enthusiastic and felt she would have been pleased with this plan. He said the house would enhance the Park and enable the Society to teach the town more about its past and noted his estimate that it would require approximately \$750,000 to restore, open and maintain the house.

Mr. Randy Johnson said he was opposed to any building being located on the Park saying that, in spite of testimony that only a small part of the Park would be used for the building, he believed the building would dominate the Park and its use.

Ms. Carol Krentzman, of Woodland Street in South Natick, said she was enthusiastic about this proposal. She noted that the Natick Community Organic Farm was another large open space with many buildings on it and she would love to see Shaw Park enhanced in this way and made into an attraction for the town.

Mr. Ostroff reviewed the history and sequence of his involvement with these issues as a Selectman and town representative committed to facilitating access to town government for residents of the community.

Nancy Halpern, a town gardener with the town’s Land Facilities and Natural Resources, spoke about her proposal, in 2006, for development of a grass cut labyrinth in Shaw Park. She noted that, when the Park was first built, there were trees, water and supposed to be benches which were never installed due to depression era constraints. She urged development of the Park, to include benches which would draw more people to use the park and noted that recent addition of some furniture in the Park had already resulted in more use.

A motion was made, at 1:07 a.m., to recommend no action on the subject matter of Article 16.

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Pierce

A motion was made, at 1:08 a.m., to move favorable action on the subject matter of Article 16.

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Freedman

Motions or Debates:	<ol style="list-style-type: none">1. Ms. Coughlin said Shaw Park was bequeathed to the town to be used as a park and reminded the members that when the earlier question of taking the park by eminent domain arose, she looked up the definition of “park” and what she found contained no reference to buildings. She said she had heard a great deal about open space and the importance of maintaining that, yet now there was a proposal to change the use of this space to allow a building to be located there and she felt that, no matter how beloved the building, that would not honor the bequest to the town. She
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	<p>chided the town for doing nothing to maintain the park and said before trying to change its use, she would suggest investing to recover the park this once was and what it was intended to be.</p> <ol style="list-style-type: none"><li data-bbox="544 325 1429 840">2. Mr. Pierce pointed out that the motion to take Shaw Park by eminent domain had passed at Town Meeting by unanimous vote with the intent that it be used as a park. In contrast to comments made by several speakers, he said the Park was well used and the grounds maintained by the town and school children used it for recess. Noting the generosity of the donor of this property, he said he didn't think that moving a house to the park was a good fit and said the support space that would be needed, in addition to the house itself, would consume the heart of the park. He also said he didn't think the area could accommodate the "hub of activity" predicted if the house was developed as described, citing traffic and the several schools in the area. He noted that approximately 200 citizens had signed a petition presented to the Recreation & Parks Commission saying they wished this to be maintained as it was. He said he was appalled at the idea of giving up open space because that could never be retrieved.<li data-bbox="544 840 1429 1249">3. Mr. Evans said this fell under the heading of "least worst action" and said everyone agreed that the Sawin House should be preserved and moving the house to Shaw Park resolved a bad situation, i.e., the house falling into disrepair. He noted the testimony of a public speaker that the descendants of Mr. Shaw were enthusiastic about this proposal and said he felt that addressed the question of the town honoring their commitment to the donor's wishes. He said, initially, he had been opposed to the idea of the Study Committee but said he now felt that dovetailed nicely with these Articles and would be beneficial for the report of that Committee to come back to Town Meeting to facilitate discussion and get the pulse of the community on these issues.<li data-bbox="544 1249 1429 1887">4. Mr. Freedman said he was torn, and would probably support no action noting the several hurdles posed by the land disposition policy, citing the requirements of a unanimous vote by the Conservation Commission, unanimous vote of the Park Commission (which he interpreted to be the Selectmen) a 2/3 Town Meeting vote and a 2/3 vote of the State legislature. Given these requirements, in addition to possible zoning obstacles, he felt having discussions in the upcoming months, which would be facilitated by creation of the Study Committee, could be beneficial and if this Article was not acted on at this time, it could come forward at a later date with potentially greater support. He said the bottom line for him, however, was the open space issue and, although he had only visited Shaw Park once, he believed that to put a building there would impact the space and its ecosystem and the town would lose something valuable. For now, he wanted the Study Committee to do its work and bring back its recommendations and insights. He also questioned the historical compatibility of relocating the Sawin House on Shaw Park noting that the Park had been the site of a village of Native Americans who he believed fought on the opposite side to the
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	<p>Praying Indians during King Phillip’s War. He pointed out that Town Meeting would have the opportunity to discuss this no matter the outcome of this vote and suggested that it was very important that the report to Town Meeting on these discussion convey the complexity and depth of the discussions.</p> <p>5. Mr. Hayes echoed many of the previous speaker’s comments and said the sponsors wanted some action due to the urgency of the situation with the house and, specifically were seeking to change the potential use of a park. He said although this might be an appropriate request to make of Town Meeting, to do so in the context of putting a building there raised more concerns, particularly in view of the several hurdles which had been mentioned. He said if there had been opportunity for more dialogue on this with other groups, such as the Conservation Commission and others, he might be more comfortable, but he felt this request was being made sooner than was necessary or appropriate, so he would support no action at this time.</p> <p>6. Mr. Brown pointed out that if Article 16 passed it could be applied to other buildings, as well as the Sawin House. He said he looked forward to the debate of this matter by the Town Meeting members and said he would support no action.</p> <p>7. Mr. Everett said he hoped some way to preserve the Sawin House could be found in the interim while the Study Committee did its work.</p>
Vote: (No Action)	10 – 1 – 0

A motion was made, at 1:35 a.m., to recommend no action with respect to the subject matter of Article 17.

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Pierce
Motions or Debates:	<p>1. Ms. Coughlin said her rationale was the same as that which she had stated with regard to Article 16.</p> <p>2. Mr. Pierce echoed the previous speaker.</p> <p>3. Mr. Freedman noted that Article 16 represented the necessary enabling action which would permit Article 17 to be favorably acted upon and, since no favorable action was being recommended for Article 16, a no action vote on this Article was appropriate.</p>
Vote:	11 – 0 – 0 (unanimous)

A motion was made to close the public hearing on the FY 2014 Fall Annual Town Meeting Warrant Articles at 1:38 a.m.

Moved/Motioned by:	Mr. Freedman
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	11 – 0 – 0 (unanimous)

ADJOURN (1:39 A.M.):

A motion was made to Adjourn at 1:39 a.m.

Moved/Motioned by:	Mr. Pierce
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Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	11 – 0 – 0 (unanimous)