



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: October 22, 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

October 22, 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
Bruce Evans, Clerk
Catherine Coughlin
Michael Ferrari
Jonathan Freedman
Patrick Hayes
Mark Kelleher
Edward Shooshanian
Jerry Pierce
Christopher Resmini

MEMBERS ABSENT:

Mari Barrera
Cathleen Collins

AGENDA

1. Public Concerns/ Comments
2. Meeting Minutes
3. Old Business
 - a. Public Hearing – 2014 FATM - Article 37
 - b. Public Hearing – 2014 FATM - Article 31
 - c. Public Hearing – 2014 FATM - Article 11
 - d. Public Hearing – 2014 FATM - Article 38
 - e. Public Hearing – 2014 FATM - Article 34
4. New Business:
 - f. Special Town Meeting

5. Adjourn

ATTACHMENTS:

- A. Agenda for this evening’s meeting
- B. Article 37: Historic_Preservation_Bylaw_2014_FTM_-_Article_37_2014_10_09_FINAL.pdf
- C. Article 31: FINAL_Personnel_Board_letter_to_TM_fall_2014.pdf
- D. Article 31: Final_Fulltime_pay_plan_Fall_TM_2014.pdf
- E. Article 31: FinCom_memo10914.pdf (Memo from Michael Rourke)
- F. Article 11:
Clean_Revised_Motion_for_ARTICLE_11_APH_edits_MHTL_Edits.pdf
- G. Article 11:
Redlined_Revised_Motion_for_ARTICLE_11_APH_edits_MHTL_Edits.pdf
- H. Article 11:
Massachusetts_Fair_Share_Inc_v_Town_of_Rockland_(2).pdf (Court Case on solicitations)
- I. Article 34: Article_34_Presentation.pdf
- J. Article 34: Article_34_Final_motion_DRAFT.pdf

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.

PUBLIC CONCERNS/COMMENTS:

None

MEETING MINUTES:

MOTION to approve September 16, 2014 meeting minutes.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Freedman
Motions or Debates:	None
Vote	10-0-0

MOTION to approve September 30, 2014 meeting minutes.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Freedman
Motions or Debates:	None
Vote	11-0-0

MOTION to approve October 2, 2014 meeting minutes.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Freedman
Motions or Debates:	None
Vote	9-0-0

OLD BUSINESS:

Special Town Meeting is scheduled for November 18, 2014. Mr. Everett stated that there were at least three known items on the Special Town Meeting agenda:

1. Two articles to enact Legislation to correct the 2012 Special Acts – The 2012 special acts passed by Town Meeting and enacted by the Massachusetts Legislature (Chapters 166 and 167 of the Acts of 2012) omitted lots that should be included in any long term lease.
2. Article to hear the report of the Parking Committee.

Warrant articles may be submitted on Thursday October 23 through Friday October 24.

The Finance Committee set November 5, 2014 at 7:00 PM as the date they will review the warrant for the Special Town Meeting.

Public Hearing 2014 Fall Annual Town Meeting Warrant

MOTION to open public hearing on 2014 Fall Annual Town Meeting Warrant Articles.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Ms. Coughlin
Motions or Debates:	None
Vote	11-0-0

Article 37: Amend Zoning By-Laws: Facilitate Historic Building Preservation in Natick

For background, information from the September 30, 2014 meeting is included here (*in italics*).

During the review of Article 37 on September 30, 2014, Mr. Johnson said he has worked with the Planning Board over the summer on the details of this by-law modification. At his last meeting with the Planning Board in September, they were unable to conclude their recommendation regarding the motion, and that it may be reviewed at their October 8 meeting. Mr. Everett stated that the Finance Committee will not have time to get this information into the Finance Committee book as it is too late, since it is required by by-law to have the Recommendation Book to Town Meeting members at least one week in advance of Town Meeting (October 14). The Finance Committee agreed to hearing information on this article and discussing how to handle this following the review of the Article.

Mr. Johnson stated that the main obstacle to adaptive reuse is the difficulty in getting the use variance. This proposed motion directly addresses the ability of the Zoning Board to issue a use variance for eligible buildings. To be eligible you must have two things: substantially preserve the building structure and the building must be on the listing of the National Historical Places or by a unanimous vote of the Natick Historic Commission. That would approve the eligibility of the building or structure.

Then it's a two-step process. The first step would be the involvement of the Planning Board and a second step would be a special permit that would be done in conjunction with the Zoning Board.

The Article allows proposed re-use projects where they would otherwise be prohibited because of the use variance question. The process involves the oversight of at least two boards, in this case the Planning Board and the Zoning Board. So there's plenty of public hearing and opportunities for scrutiny of the proposal. Additionally, if the building happened to be in a historic district, The Natick Historic District Commission would also be involved in the project. So it's meant to be fairly open-ended on what could happen with the project but it allows the proponent to ask the question, "is this a suitable use for the project"?

Finance Committee members noted that while the proponent had reviewed this article with the Planning Board, the Planning Board had not yet agreed on the language of the amendment to the by-laws. The Finance Committee voted to postpone action on Article 37 until after the Planning Board could review and approve the proposed amendment. Mr. Johnson said the Planning Board is very interested in doing something of this nature and encouraging zoning modifications to encourage adaptive reuse, but there are still differences of opinion about the scope of how it would be put together. He felt confident that agreement could be secured from the Planning Board.

October 22 Meeting – Article 37:

Presented by Randy Johnson

In order to make a recommendation to Town Meeting, the Finance Committee is required to vote on whether to reconsider Article 37.

Move to Reconsider Article 37 Amend Zoning By-Laws: Facilitate Historic Building Preservation in Natick	
Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote	11-0-0

Mr. Johnson stated that the criteria for the zoning by-laws was taken from other parts of the Natick Zoning By-Laws to ensure that correct and consistent language was being employed.

PROPOSED MOTION AS AGREED BY PLANNING BOARD:

Moved: To amend the Town of Natick Zoning By Laws by adding a new section “III-J: Historic Preservation”, and a new Designation to section VI-DD 2. a).

In section VI-DD 2. a) Applicability and SPGA Designation, insert a new designation: “Historic Preservation”

And; following Section III-I: Assisted Living Residences add the following text:

“Section III-J: Historic Preservation

1. Purpose. The purpose of this Section III-J is:

1. To encourage the preservation and continued use of buildings of historic or architectural significance.
2. To protect the existing character of neighborhoods by the adaptive re-use of such buildings or structures.

2. Applicability. The SPGA may grant a special permit for re-use, construction, and occupancy of buildings, and structures relating to qualifying buildings, if either of the following criteria are met:

1. Determination by the State Historical Commission that the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such.
2. Unanimous vote of the Natick Historical Commission, subsequent to a public hearing, that the building or structure is of historic, architectural or cultural significance.

3. Permitted Uses. Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses:

1. Town Houses;
2. Apartment House;
3. Home Occupation/Customary Home Occupation

4. Jurisdiction. Where the proposed uses of a parcel in any district under this Section would require obtaining a special permit, the Planning Board shall act as the SPGA.

5. Pre-Application Review. To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the SPGA and Community Development Director for general discussion, using the aquifer protection, soil survey, drainage, topographic and other data available from the Town.

6. Application.

1. The applicant for a Historic Preservation development project shall submit to the SPGA a formal application for a special permit and site plan review, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the SPGA relative special permits and site plan review. The application shall be filed in the name of the record owner of the parcel to be developed. Date of application shall be the date when filing is made with the SPGA.

2. Special Permit; Procedures. In addition to the requirements of the Rules and Regulations of the SPGA, the following additional requirements shall apply:

- a. A fire prevention and fire suppression plan.
- b. Hazardous materials assessment, removal or remediation plan.
- c. Itemization of historic features and materials for preservation.

3. The applicant may request in writing a waiver of any of the foregoing requirements in paragraph 2, above, which request shall be communicated by the SPGA within three (3) business days of its receipt to the Board of Health, the Historical Commission and the Design Review Board (hereinafter, the "Advisory Bodies"). Unless one of the Advisory Bodies communicates its decision to require the materials sought to be waived, within twenty two (22) days of the making of such request, the waiver may be granted by the SPGA.

4. The SPGA shall provide copies of the application and all other submittals of the applicant within three business days of filing to the Advisory Bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to twenty two (22) days following the filing of the application.

5. All reports of any of the Advisory Bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.

7. Requirements. A Historic Preservation development project must conform to the following:

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. Net Useable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel.
2. Notwithstanding 7.1 the number of dwelling units allowed shall be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.
3. New construction shall be limited to 10 percent of the interior habitable floor area or above grade gross volume of the historic building. This shall exclude aspects of construction that pertain to components required for code compliance for access and egress, such as stairs and elevators.
4. Intensity Regulations: The SPGA may, for new construction, modify the dimensional requirements for the district by up to 10 percent.
5. Flood Zones. No construction shall take place within the 100 year flood elevation except in conformity with the requirements and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.

8. Modification and Waivers. Except as specifically stated in this Section III-J, the SPGA may modify and/or waive strict compliance with one or more of the regulations of the Districts in which a Historic Preservation project is located provided that it makes a specific finding, in writing, that such waiver and/or modification will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located, than if the waiver and/or modification were not granted, and further that such waiver and/or modification is necessary in order to encourage the preservation of the historic building.

9. Special Permit Criteria. Approval of the application for a special permit to allow for a Historic Preservation project shall be granted only upon SPGA determination that the Plan is superior to a conventional site development. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The proposed project substantially preserves the building or structure.
2. Determination that the development is not substantially more detrimental to abutting properties and neighborhood.
3. Appropriate use of materials and manner of construction.
4. Preservation of landscape features and scenic views.”

QUESTIONS FROM THE COMMITTEE:

Mr. Freedman asked how the proposed amendment would be better than the existing zoning by-law. Mr. Johnson replied that having this addition to the zoning by-law would facilitate the re-use of disused properties having historical significance, subject to the review of the SPGA (Planning Board).

Mr. Freedman asked whether the Sacred Heart Church property in South Natick would fit the criteria laid out in this proposed by-law amendment. Mr. Johnson said that it would not, because although Sacred Heart is on a historic site, it is not designated a historical building. An owner or prospective buyer would need to go through the processes detailed in the proposed by-law to be eligible to re-develop the Sacred Heart property.

Mr. Ferrari confirmed that a property must meet either of two criteria to be eligible:

- Massachusetts Historical Commission designates the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such.
- 2. Unanimous vote of the Natick Historical Commission, subsequent to a public hearing, that the building or structure is of historic, architectural or cultural significance.

Mr. Brown stated that each time he has heard information on this article, the definition of what constitutes historic preservation seems to change and asked for clarification of the definition. Mr. Johnson indicated that the main goal is to give functionally obsolete sites an avenue for re-use as allowed by Natick Zoning By-Laws.

Ms. Coughlin asked what the worst case scenario is should this article not pass. Mr. Johnson said that it would continue the, at best, cumbersome process that would impede adaptive re-use of historic properties that were no longer in use. Further, if a historic property were threatened with demolition, this by-law amendment would help prevent the destruction of properties that have historic value.

Mr. Hayes asked for an approximate number of properties that met the criteria today. Mr. Johnson said he knows of 8 properties that meet the criteria and went on to say that there are 77 properties in Natick that are listed on the Massachusetts Register of Historic Places. These properties are predominantly properties that are already in use.

How does the process application process work to get a property designated a historic property? Mr. Johnson replied that it's a tiered approach. First, a proponent would seek approval of the Natick Historical Commission. Secondly, the Natick Historical Commission could put submit the property to the Massachusetts Historical Society for inclusion in the Register of Historic Places.

Mr. Evans asked if property on the Natick Historical Commission were acquired, what protections does it have? Mr. Johnson replied that the "Dover amendment" MGL Chapter 40A, Section 3 could apply. It exempts agricultural, religious, and educational corporations from certain zoning restrictions. It allows a structure that provides certain services to ignore local zoning laws and build the facility it needs to provide those services. The proponent would need to obtain a use variance from the Zoning Board. The aim of this Article is both to add adaptive re-use of historic buildings in the Natick Zoning By-Laws and allow uses to go through the typical site plan review.

Mr. Julian Munnich, speaking as a member of the Planning Board, briefly reviewed the Special Permit process. All abutters within 300 feet of the property are noticed about the public hearing, which is published and advertised. The Planning Board also notices advisory bodies as to when hearings on this property will be heard by the Planning Board. Mr. Munnich added that the Planning Board is comfortable taking baking steps with this proposed by-law amendment because it calls for already existing uses in the by-law.

MOTION for Favorable Action on Article 37

Moved/Motioned by:	Mr. Evans
Seconded by:	Ms. Pierce
Motions or Debates:	<p>Mr. Evans thanked Mr. Johnson and Mr. Munnich as representative of the Planning Board for their collaboration in helping the Finance Committee to understand how the by-law amendment will work and to make this by-law amendment come to fruition.</p> <p>Mr. Pierce agreed with the maker of this motion and also thanked Mr. Johnson and Mr. Munnich.</p> <p>Mr. Hayes said that he will support Favorable Action, but has concerns about the number of properties that could be subject to this by-law and the magnitude of the impact.</p> <p>Mr. Brown agreed with Mr. Hayes and stated that this article has nothing to do with historical preservation. Mr. Brown also said that he could not understand the tax benefits to Natick of adaptive re-use of historic properties and could not support this article.</p> <p>Mr. Freedman said that he likes where this article finished. He said previous articles were too restrictive and directed at specific properties. This amendment is more balanced. Finally, he said he’s not sure whether colleagues are right or wrong about the density implications, but was confident that the Planning Board can monitor actions taken under this by-law.</p> <p>Mr. Everett emphasized that building</p>

	<p>preservation typically involves preservation or restoration of the exterior, not the interior. The Natick Historical Commission had advisory inputs. Re-use adds value to the property. When property is modernized, its assessed value increases, and property tax revenue to the town increases.</p>
Vote	10-1-0

Article 31 - Personnel Board Classification & Pay Plan

For background, information from the September 16, 2014 meeting is included here (*in italics*).

This article was originally heard on September 16, 2014, but the Finance Committee agreed to postpone their review of this Article until October 2, 2014 at the request of Michael Rourke, a citizen from Precinct 7 who had requested and not yet received answers to questions he had on this plan. Mr. Everett commented that the reason I'm moving to postpone rather than no action is that this is something very simple that we review every year and recommend changes if we feel it's necessary. I don't see any issues with what has been presented tonight at this time. But I don't want to go to Town Meeting and say we recommend no action. I'd rather give the opportunity for the citizen to get the information and then if they have questions come back to us on October 2. But I would also point out that I didn't have any real problems with the information presented by the Chair of the Personnel Board tonight, I'm not sure I would ask Mr. Levinsky to come back on October 2nd, but we'll have to find out what the citizen is going to ask for, if anything.

At the October 2, 2014 meeting, Mr. Everett noted that he received an email from Mike Rourke, as follows "I received the pertinent data I requested back in August regarding the classification of the Council on Aging Director position change and the new Social Worker –Coordinator title/position recommended in Article 31. After reviewing that data and meeting with the Personnel Board Chairman, I am comfortable with the Personnel Board's recommendations on these classifications. Though there is adequate comparative data on the COA compensation, there were no comparable positions to the Social Worker-Coordinator in other Municipalities, which I recognize and agree that the only comparative analysis therefor can be within Natick given the current Classification system. There does appear to be a rationale for maintaining the Level 2 Classification of the former Social Worker position. I therefor concur with both Classifications. I have raised some organizational issues with aspects of both new Job Descriptions which will be reviewed with the Community Service Director. I also believe there will be an opportunity to consider a "simple" position rating system, for instances like the Social Worker Class and others which lend themselves to a "position point factor evaluation" methodology. Thank you for your consideration of my input on this Article."

A 7-3-0 vote for Favorable Action on Article 31 did not pass, leaving the Finance Committee with no recommendation for Town Meeting and the Finance Committee Recommendation Book has no recommendation for Article 31.

October 22 meeting – discussion

Mr. Everett noted that since we have no recommendation for Article 31, we do not have to vote to re-consider this article.

QUESTIONS FROM THE COMMITTEE

None

QUESTIONS FROM THE PUBLIC

Ms. Donna McKenzie, Town Meeting member from Precinct 3 expressed strong concerns about the lack of specificity in the job description for the Council on Aging Director position. She was interested in applying for the position, but found it difficult to understand the job responsibilities are reporting structure.

MOTION for Favorable Action on Article 31

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Hayes
Motions or Debates:	<p>Mr. Evans stated that this Article is about position definitions and reminded members that we were told that 60 of 70 positions were already on the natickma.gov web site and the rest were planned to be available soon. Mr. Evans said he looked at the job description for Council on Aging Director, saw that it was lengthy (4 pages) and included ample information on duties, background and reporting structure.</p> <p>Mr. Hayes said that this article is about position definition, not salaries or bands. No salaries or bands are changed in this article. That’s a separate entity that we can discuss with the Personnel Board when appropriate.</p> <p>Ms. Coughlin thanked Ms. McKenzie for sharing her story, stating that she had lived with the same problem of asking for more information and not getting answers.</p> <p>Mr. Brown also stated that the position descriptions were incomplete. Mr. Evans said that he looked at a random sample of about ten positions at various levels on the web site and found that they were clear about duties, experience, and reporting structure.</p> <p>Mr. Hayes stated that, when we reviewed this article with the Personnel Department and Town Administration, they said that 60 job descriptions were already available and the rest would be uploaded to the town web site soon.</p> <p>Mr. Freedman urged members to remember the scope of this article – these are position definitions.</p> <p>Ms. Coughlin said that she would support Favorable Action, but remains concerned about how well the hiring process is going.</p>
Vote	11-0-0 favorable

Article 11 - Personnel Board Classification & Pay Plan**Article 11 - Amend By-Laws: Article 52: Solicitors – to Include Civil Fingerprinting Requirements**

Police Chief James Hicks reviewed the background of the need for changes to this by-law. Since Natick already has a Solicitors by-law and is proposing to amend the Civil Fingerprinting by-law in Article 12, he viewed it as prudent to add solicitors to be required to follow those civil fingerprinting requirements. The best way to achieve this is by amending the existing by-law. He researched towns that had created recent by-laws that had been approved by the MA Attorney General's office. The proposed amendment incorporates suggestions made by the By-Laws sub-committee of the Natick Finance Committee. The redlined version incorporates the proposed changes and has been reviewed and approved by Town Counsel.

Chief Hicks also said that one of the goals of the by-law change is to provide clearer guidelines for policemen patrolling our neighborhoods. The by-law is also a crime prevention method. Through registration and civil fingerprinting, this is another crime prevention / crime resolution tool. A person is less likely to pose as a solicitor to gain access to a citizen's home.

COMMENTS FROM THE BY-LAW SUB-COMMITTEE:

Suggested changes from the By-Law sub-committee were incorporated except:

- 1) Time of operation. Town Counsel cited case law where other by-laws were deemed too restrictive by the AG, and proposed 8:30 AM to 8:30 PM. The By-Law sub-committee proposed 8:30 AM to dusk. Town Counsel advised that "dusk" was legally ambiguous and could be challenged.
- 2) Daily – except Sundays and National Holidays. Town Counsel indicated that excluding Sunday could be considered by the courts as violation of free speech, and removed Sunday from the excluded days. National Holidays were viewed as legally acceptable by Town Counsel.

Mr. Hayes said that the collaboration between the sub-committee, Chief Hicks, and Town Counsel had been exemplary and resulted in a well-crafted by-law.

Mr. Ferrari said that he is comfortable with the result that they achieved. Although he would have liked more restrictive hours, he understands Town Counsel's recommendation. He asked Chief Hicks approximately how many complaints he received on solicitors. Chief Hicks responded that it typically is one per night in the summer, and that officers might categorize them differently so it was difficult to say exactly. It usually involved a person calling on houses after dark or a suspicious person in a neighborhood during the day.

Mr. Freedman said he would support this Article, citing that it was in the town's interest to know who is out in our neighborhoods. He did not view the by-law as unduly burdensome and protects the town citizens.

Mr. Brown asked whether Chief Hicks felt this by-law was ready for Town Meeting. Chief Hicks said that if you asked him that two weeks ago, he would have said no. Thanks to the work of the By-Law subcommittee and Town Counsel, this by-law amendment is thoroughly vetted and ready for Town Meeting.

Below is the final text of the motion, as approved by Town Counsel.

ARTICLE 11

Amend Town By-Laws: Article 52: Solicitors – to Include Civil Fingerprinting Requirements

(Town Administrator)

Move that the Town vote to amend the Town of Natick By-Laws by deleting the text of Article 52 and inserting in its place the following text:

ARTICLE 52

SOLICITORS AND CANVASSERS

This Article is for the purposes of protecting the privacy of the residents of the Town of Natick, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Natick.

SECTION 52.1 DEFINITIONS

BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL ORGANIZATION

Any organization that is qualified under state or federal law as a tax-exempt, nonprofit organization, any religious, charitable, educational or political organization or group, or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

CANVASS OR CANVASSING

Includes any one (1) or more of the following door-to-door activities:

1. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises except as otherwise exempted by this Article.
2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

PERSON

Any individual, business entity, firm, partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise exempted by

this Article.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

SECTION 52.2 LICENSE REQUIRED

No person, firm or corporation shall canvass, solicit, distribute circulars or other matters, or call from house to house in the Town of Natick to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Natick Chief of Police (“Chief of Police”) or his or her designee under the provisions of this Article (except as otherwise provided in Section 52.3 below).

SECTION 52.3 EXEMPTIONS

A. Any person, firm or corporation soliciting or canvassing on behalf of a bona fide religious, charitable, educational or political organization shall be exempt from the requirements of this Article, except no soliciting or canvassing outside the hours set forth in Section 52.8.A below.

B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.

C. Any minor employed by a newspaper as a carrier, or who has been previously registered with the Chief of Police by an employing newspaper, shall be exempt from the requirements of this Article.

D. The provisions of this Article shall not apply to any of the following groups:

1. Girl Scouts of America, Natick Chapter
2. Boy Scouts of America, Natick Chapter
3. Any youth activity/sports association affiliated with the Town of Natick or School Department of the Town of Natick

F. Any candidate for public office or person campaigning on behalf of such candidate, where such candidate is seeking election to an office to be voted upon by the registered voters, or any person campaigning on behalf of or in opposition to any federal, state or

local ballot question, petition, referendum, or home rule charter or bylaw amendment to be voted upon by the registered voters, shall be exempt from the requirements of this Article.

SECTION 52.4 NON-EXEMPT LICENSE APPLICATIONS

A. Any person seeking a license to engage in any activity set forth in Section 52.2, except those persons and activities exempt under Section 52.3, shall file an application with the Chief of Police or his or her designee on a form used by him no less than thirty (30) days prior to the requested start date for such canvassing or soliciting.

B. The application form shall require, at a minimum, the following information:

1. Name of applicant.
2. Address of applicant (local and permanent home address).
3. Applicant's date of birth.
4. Applicant's height, weight, eye and hair color.
5. Applicant's social security number.
6. The length of time for which the right to do business is desired.
7. A brief description of the nature of the business and the goods to be sold.
8. The name and home office address of the applicant's employer or the person or entity on whose behalf the applicant is soliciting or canvassing. If self-employed, it shall so state.
9. If the applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color, model, registration number, registered state, vehicle owner, and address.
10. Whether the applicant has been convicted of a crime or offense or violation of any municipal bylaw, ordinance or regulation relating to canvassing or soliciting and, if so when, where and the nature of the offense.
11. The names of other municipalities in the Commonwealth of Massachusetts where the applicant has been issued or granted a permit, license or similar authorization to solicit or canvass in the past two years.

C. All applicants under this section shall be fingerprinted as set forth in Article 55, photographed by the Chief of Police or his or her designee, and shall pay the applicable fee required under Article 55, in addition to the license application fee required under this Article 52.

D. The applicant shall permit the Natick Police Department to photograph said applicant for identification purposes. A copy of said photograph shall be kept on file in the Natick Police Department.

E. Within five (5) days of receiving an applicant's completed application under this Section 52.4, the Chief of Police shall submit an applicant's fingerprints for a fingerprint-based criminal record background check in accordance with Article 55. Within seven (7) days of receiving the results of such fingerprint-based criminal record background check, the Chief of Police or his or her designee shall issue or deny a license. In computing the time periods under this Section 52.4, Saturdays, Sundays and holidays shall be excluded. If the Chief of Police does not submit an applicant's fingerprints or render a decision

within the applicable time periods under this Section 52.4, the license shall be deemed constructively granted.

F. Subject to the time requirements set forth in Section 52.4.E above, the Chief of Police or his or her designee shall grant a license, except in the following circumstances:

1. An applicant fails to fully comply with the requisites established for issuance of a license, including submission of a completed application form and payment of the applicable filing fees.
2. Falsification of information required to be provided in the application process.
3. A conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following crimes or offenses, by whatever named called, within seven years prior to the date of license application: burglary (armed or unarmed); stalking; breaking and entering; larceny; kidnapping; armed robbery (armed or unarmed); home invasion; buying, receiving or concealing stolen property; assault; fraud; conduct as specified in Massachusetts General Laws Chapter 265, Sections 13B and 22 through 24, and sexual assault, rape or other sex related offenses; unlawfully carrying weapons; or the attempt of any such crime or offense.
4. Violation of the provisions of this Article or any state law or regulation or municipal bylaw, ordinance or regulation regulating canvassing or soliciting, by whatever named called.

G. The Chief of Police or his or her designee may suspend or immediately revoke a license in the following circumstances:

1. The occurrence of any ground for denial as set forth in Section 52.4.F;
2. Failure to comply with the other provisions of this Article.
3. Any failure of a licensee to prominently display his or her license upon his or her person when soliciting or canvassing.

The Chief of Police or his or her designee shall notify the licensee and shall provide the licensee an opportunity to be heard prior to suspending or revoking the license. Pending any such revocation hearing, the Chief of Police or his or her designee may suspend the license.

H. Each applicant for a license shall pay a nonrefundable fee of ten dollars (\$10.00), in addition to any fees set forth in Article 55. The license shall expire as set forth on each license but in no case shall the term of the license exceed one (1) year from the date of its issue. A licensee requesting renewal of a license must provide such information and pay the same nonrefundable fee as is required to obtain an initial license, prior to the expiration of the current license.

SECTION 52.5 SEPARATE LICENSE

In the case of a firm or corporation, each person representing or soliciting or canvassing on behalf of such firm or corporation shall be required to apply for and maintain a separate license.

SECTION 52.6 LICENSE TO BE NONTRANSFERABLE; DISPLAY

The license shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit or canvass in the Town of Natick,

unless otherwise exempted under this Article, provided that the licensee shall have the license in his/her possession at all times while soliciting or canvassing and shall further conspicuously display the license.

SECTION 52.7 POSTED PREMISES.

No person shall engage in soliciting or canvassing upon any premises without a prior invitation from the occupant thereof if there is posted or displayed on such premises by means of a notice prominently displayed upon which is printed the words “No Solicitors” or “No Canvassers” or words of similar import. For the purposes of this section, the premises shall be deemed posted or displayed against soliciting or canvassing if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three (3”) inches by four (4”) inches in size which bears the above or similar words in letters at least one-third (1/3”) inch in length.

SECTION 52.8 PROHIBITED ACTIVITIES.

A. There shall be no soliciting or canvassing upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 8:30 a.m. or after 8:30 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this Article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the soliciting or canvassing as herein defined prior to 8:30 a.m. or after 8:30 p.m. of any day or at any time on a national holiday.

B. No person engaged in soliciting or canvassing shall, at the time of initial contact with a prospective customer or donor, fail to identify himself or herself and the purpose of the soliciting or canvassing.

C. No person engaged in soliciting or canvassing shall misrepresent the purpose of his or her soliciting or canvassing or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the soliciting or canvassing.

D. No person engaged in soliciting or canvassing as defined in Section 52.1 shall violate any or the provisions of Chapter 93A of the Massachusetts General Laws, said chapter being entitled “Regulation of Business Practices for Consumers’ Protection,” the current provisions of which are hereby adopted and by reference made a part hereof.

SECTION 52.9 CERTAIN REPRESENTATIONS ARE PROHIBITED

No person, firm or organization having received a license to canvass or solicit within the Town of Natick shall use or exploit the fact of the license so as to lead the public to believe that such license in any manner constitutes an endorsement or approval by the Town of Natick or any of its officials.

SECTION 52.10 AUTHORITY OF CHIEF OF POLICE

The Chief of Police or his or her designee shall have the power and authority to grant, deny, suspend or revoke licenses as provided for and in accordance with the terms of this Article.

SECTION 52.11 APPEAL FOLLOWING ACTION BY CHIEF OF POLICE REGARDING REVOCATION OR DENIAL OF LICENSE

Any person whose license application has been denied or whose license has been revoked shall have the right of appeal to the Natick Board of Selectmen, subject to the same standards for denial or revocation set forth in this Article. Any such appeal must be commenced within fourteen (14) days of the date of the decision by the Chief of Police or his or her designee.

SECTION 52.12 VIOLATIONS AND PENALTIES

Any person, firm or corporation charged with violating any of the provisions of this Article shall, upon conviction thereof, be liable for a fine not exceeding three hundred dollars (\$300.00) for each violation. Each day on which a violation exists shall constitute a separate violation.

MOTION for Favorable Action on Article 31

Moved/Motioned by:	Mr. Hayes
Seconded by:	Mr. Freedman
Motions or Debates:	<p>Mr. Hayes: Thank you Chief Hicks and Town Counsel (John Flynn and Brandon Moss) for their assistance in shaping this by-law change.</p> <p>Mr. Freedman: This has been a very collaborative process. The consensus is this is a good product that will stand up to any possible AG scrutiny. Mr. Ferrari echoed these statements and thanked the chief for his leadership in this collaboration effort. He said he would have liked the by-law to be more restrictive, case law doesn't support this view.</p> <p>Mr. Brown stated that the sub-committee did a good job initiating and following through on these changes.</p> <p>Mr. Everett said that he appreciated the initiative that Chief Hicks took in framing this by-law change to make it clearer to policemen.</p>
Vote	11-0-0 favorable

Article 38 - Authorization for Selectmen to Enter in Tax Increment Financing Plan for Infinium, Inc. Expansion in Natick

For background, information from the September 16, 2014 meeting is included here (*in italics*).

During the September 23, 2014 meeting. The Finance Committee voted 11.0.0 to postpone Article 38 until October 16, 2014 to give the proponent time for the Inflation and the Board of Selectmen to agree on a TIF plan.

A TIF is a set of financial incentives to encourage attractive employers and amenities to locate and open their businesses locally. The Commonwealth of Massachusetts administers an Economic Incentive Program, a mix of incentives to offer to businesses that are important to the competitiveness of the Commonwealth. So at the State level, these businesses are highly valued for their possibility of increasing employment, investing in properties and capital equipment to keep property values up, as well as workforce training. These payments are made through tax credits or compensation paid from the Commonwealth based on the different growth commitments a business might make in return.

At the local level, the predominant incentive is a TIF (Tax Increment Financing). When a company improves a property, the assessed value of that property goes up, increasing tax revenue. It does not take away from the current taxes being collected on that property. A TIF also reduces the risk to a business or a property owner that has to invest a lot of money in acquiring or improving to redevelop a property. When a property is vacant or under-utilized, its assessed value is likely lower than it could be. When improvements are made, the increase in the property's assessed value generates an increase in taxes charged for that property. TIFs encourage property owners to invest in an outdated, under-utilized property and bring it up to a competitive state, for this real estate market.

Basically the community benefits from this by updating its core properties as well as attracting more, better businesses to come here because we're business friendly. Also this stimulates the secondary market of hotel, restaurants and retail. This is also consistent with the Board of Selectmen's FY15 goal of supporting economic investment.

October 22 meeting – discussion

Mr. Joseph said that BOS has to approve a TIF before it goes to Town Meeting. Mr. Joseph indicated that while Infinium has identified three potential properties in Natick, they won't know the exact parcel in time for either Fall Town Meeting or the Special Town Meeting in November and requested NO ACTION on Article 38.

QUESTIONS FROM THE COMMITTEE

None

QUESTIONS FROM THE PUBLIC

None

MOTION for NO ACTION on Article 38

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Pierce
Motions or Debates:	Mr. Evans: No need for action by the Finance Committee until the property is identified and the BOS approves the TIF. New target is Spring Town Meeting 2015 Mr. Pierce; No additional comments.
Vote	11-0-0 favorable

Article 34 - Amend Zoning By-Laws: Accessory retail and/or Restaurants

For background, information from the September 23, 2014 meeting is included here (*in italics*).

The sponsor, Paul Joseph, Chairman of the Economic Development Committee, recommends a change in the IA and IB zoning (Industrial I [InI] and Industrial II [InII] to allow for accessory retail/restaurant use as part of a larger product manufacturer. The “accessory use” is secondary business, based on organization’s primary business (e.g., if manufacturer of food ready-to-eat or caterer, then restaurant is appropriate accessory use; if manufacturer produces consumer packaged goods (e.g. salad dressing), alcoholic beverages (e.g. brewery), or hard goods (e.g. clothing, skateboards, etc.), then retail is appropriate use.

The Economic Development Committee (“EDC”) voted in favor of modifying the language of the motion but requested feedback from both the Finance Committee and the Planning Board prior to taking final action on the Article and thus requested the Finance Committee members take No action on this specific motion but rather delay said decision until the EDC has formalized, revised language. However, the meeting with the Planning Board would not occur until after the Finance Committee Recommendation Book was completed. As a result, there was a recommendation of “Referral to Sponsor” in the Finance Committee Recommendation book.

October 22 discussion of Article 34

Mr. Everett asked whether there were any arguments in favor of reconsidering discussion of this article.

Mr. Joseph said that he met with the Planning Board on October 1, 2014 and they made specific suggestions about the language of the zoning by-law change. The Planning Board opted to create a new use within the Zoning By-Law to clearly define this accessory use. The Planning Board voted to take Favorable Action (4-1 vote on October 1), and BOS supported it unanimously.

Below is the motion approved by the Planning Board

It is moved that the Zoning Bylaws be amended by adding a new use “37A. Accessory Use Retail /Restaurant” as follows:

In Section III-A.2 Use Regulations Schedule insert:

“Accessory Use Retail / Restaurant”: A retail and/or restaurant accessory use is allowed provided that: it is no larger than either 10% of the area of the total building in which it is contained or 1,000 sq. ft. - whichever is less; the principal purpose of the retail and/or restaurant accessory use is to sell and/or to serve the goods, services and/or food which is prepared in the balance of the building; and, the activity in the balance of the building be an allowed principal use under the zoning bylaw. The accessory use shall be conducted in such a manner that noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises.

	BUSINESS USES	RG	RM	RS	PC D	SH	AP	DM	CII	INI	INII	H
37A.	Accessory Use Retail / Restaurant	O	O	O	O	O	O	(*)	O	A	A	O

MOTION to RECONSIDER Article 34

Moved/Motioned by:	Mr. Brown
Seconded by:	Ms. Coughlin
Motions or Debates:	No comments
Vote	11-0-0 favorable

Members expressed concern about hours of operation that could occur in a residential area. Although, the Planning Board cannot restrict hours of operation within an industrial zone, it may address them through the Special Permit Process, by restricting the operating hours of the accessory use.

Mr. Everett said that he had received a call from Mr. Paul Griesmer, Town Meeting member, Precinct 7, who expressed concern about possible unintended consequences of this article, for example, an accessory use for an “adult” business. Mr. Joseph said that

this came up during discussions with the Planning Board, and the Planning Board indicated that this would not occur because the Accessory Use would require a Special Permit Process. Further, the question on restricting hours of operation and impact on abutters would also be discussed during this process.

Mr. Munnich, speaking as a Town Meeting Member from Precinct 5, stated that he believes Article 34 is not stress-tested in all areas and said there are approximately 150 Industrial 1 lots. It also applies to parcels closer to downtown and the 22 Pleasant Street property, and businesses on Washington Avenue that are in close proximity to residential properties. Mr. Munnich also stated that he felt 1000 square feet was too large and would like to see it lowered.

MOTION for FAVORABLE ACTION Article 34

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Brown
Motions or Debates:	Ms. Coughlin: I like the direction that the Planning Board took on this. Mr. Brown: I appreciate that Mr. Joseph and the Economic Development Community are looking after the interests of the whole town. Mr. Kelleher said that while he is sympathetic to what we’re trying to accomplish with the by-law change, he shares Mr. Munnich’s concerns and said that he felt Mr. Munnich was the most knowledgeable person in Natick on the by-laws and could not support this article. Mr. Everett stated that no by-law satisfies everyone, but that he is confident that the Special Permit process will enable the town to protect the interests of its citizens.
Vote	9-2-0 favorable

MOTION to close public hearing.

Moved/Motioned by:	Mr. Hayes
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote	11-0-0 favorable

ADJOURN:

MOTION to adjourn.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Ms. Coughlin
Motions or Debates:	None
Vote	11-0-0 favorable

Meeting adjourned at 10:30 p.m.

