

NOTICE TO TOWN MEETING MEMBERS

REMINDER!

This is to remind you that the upcoming Town Meeting, beginning on October 17th, will be held at the Wilson Middle School, 22 Rutledge Road.

A map depicting the building entrance, available on-street and off-street parking, and handicap parking areas is being mailed directly to Town Meeting members.

We hope you enjoy the new facilities at the Wilson Middle School!

ARTICLE LIST
FALL TOWN MEETING
OCTOBER 17, 2006

- Article 1 Omnibus Budget – Fiscal 2007
- Article 2 Stabilization Fund
- Article 3 Capital Equipment
- Article 4 Capital Improvement
- Article 5 Lease/Repair
- Article 6 Personnel Board Pay Plan
- Article 7 School Committee: Technology Equipment
- Article 8 Free Cash to Reduce Tax Levy
- Article 9 Unpaid Bills
- Article 10 Home Rule Petition: Fire Station Betterments
- Article 11 Amend By-Laws: Fire Station Betterment
- Article 12 Adopt MGL Chapter 148 Section 26-1: Automatic Sprinkler Systems
Multiple Dwelling Units
- Article 13 Home Rule Petition: Middlesex Garage Lease
- Article 14 Lease of Middlesex Garage
- Article 15 Amend By-Laws: Water & Sewer Rate Discount Program
- Article 16 Street Acceptance: Farm Hill Rd Ext., Davis Brook Drive,
Woodbury Lane, Manchester Place
- Article 17 Citizen Petition Street Acceptance: Whitridge Road
- Article 18 Indirect Costs Study: Extension of Term; Funding
- Article 19 Amend Zoning By-Laws: Smart Growth Overlay District Program
- Article 20 Amend Zoning By-Laws: Section II, Item 11-B, Subsection 1,
Administrative & Professional (AP)
- Article 21 Amend Zoning By-Laws: Section II, Item 11-B, Subsection 1,
Smart Growth Overlay District
- Article 22 Amend By-Laws: Adjust Finance Committee Terms
- Article 23 Amend By-Laws: Report Number of Candidates for Town Meeting
- Article 24 Amend By-Laws: Posting of Town Meeting Warrant
- Article 25 Amend Charter: Appoint Members At-Large to Fill Town Meeting
Vacancies
- Article 26 Amend By-Laws: Newsracks on Public Property & Public Ways
- Article 27 Amend By-Laws: Change Date for Spring Town Meeting
- Article 28 Citizen Petition: Amend By-laws: Regulate hours of construction,
Demolition and motorized landscaping activity in
Residential neighborhoods
- Article 29 Committee Article

ARTICLE 1
(Town Administrator)

To determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, and to provide for a reserve fund for Fiscal Year 2007 (July 1, 2006 to June 30, 2007), and to see what budgets for Fiscal 2007 will be reduced to offset said additional appropriations, or take any action relative thereto.

ARTICLE 2
(Town Administrator)

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the stabilization fund under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

ARTICLE 3
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for capital equipment for the various departments of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

ARTICLE 4
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

ARTICLE 5
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for the lease and/or repair of equipment for various departments of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

ARTICLE 6
(Town Administrator)

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend the by-laws by adding to Article 24, Section 3, a new paragraph deleting certain position titles, adding new position titles and effecting changes in the salary ranges as presently established and will provide the money necessary therefore, or take any action relative thereto.

ARTICLE 7
(School Committee)

To see what sum of money the Town will vote to appropriate and raise or otherwise provide for the purpose of purchasing technology equipment for the Natick Public Schools; determine whether this appropriation shall be raised by borrowing or otherwise; or take any action relative thereto.

ARTICLE 8
(Town Administrator)

To see if the Town will vote to authorize and direct the Board of Assessors to take a sum of money from Surplus Revenue - Free Cash to reduce the tax levy for the current fiscal year.

ARTICLE 9
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide such sums of money as may be required for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick, or otherwise act thereon.

ARTICLE 10
(Board of Selectmen/Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for an act to authorize the Town of Natick to borrow a sum of money for the purpose of constructing an additional fire engine bay and associated renovations to Fire Station No. 4 or for the purpose of replacing Fire Station No. 4, to impose betterments in connection therewith, or take any other action relative thereto.

ARTICLE 11
(Board of Selectmen/Town Administrator)

To see if the Town will vote to amend the By-Laws of the Town of Natick by adding to Article 70 the following new section:

SECTION 8. FIRE STATION BETTERMENT

a. **Basic Requirements**

The Board of Selectmen of the Town of Natick shall assess fire engine bay addition and/or renovation costs for Fire Station No. 4 or costs for the replacement of Fire Station No. 4 to the land comprising Assessor's Map 16, Lot 2 and Map 24, Lot 101, which land shall be known as the West Speen Street Fire Assessment District.

b. **Method of Apportionment of Costs**

The owners of the properties in the West Speen Street Fire Assessment District shall be charged a betterment equal to the cost of adding an additional fire engine bay to and/or renovating Fire Station No. 4 or replacing Fire Station No. 4, up to a maximum cost of six hundred thousand dollars (\$600,000).

c. **Terms of the Betterment**

The owners who are assessed betterments for the above purposes will have the option of paying the betterment immediately or paying it over a number of years up to a maximum total of 20 years.

Such property owners shall have the right to pay off the remaining balance of a betterment at any time.

When a property with such a betterment is conveyed to another party the remaining balance of the betterment may be paid or the obligation of the betterment may be transferred to the new property owner.

The interest paid by a property owner on the betterment will be equal to the rate of interest paid by the Town on any bond or note issued for this improvement.

Or to take any other action relative thereto.

ARTICLE 12
(Fire Chief)

To see if the Town will adopt the provisions of Massachusetts General Laws Chapter 148 Section 26-I.

Section 26-I. Automatic Sprinkler Systems in New or Rehabilitated Multiple Dwelling Units.

In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units

including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

ARTICLE 13
(Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would authorize the Board of Selectmen to issue a Request for Proposals for lease for a term not to exceed ninety nine years of the property at 20 Middlesex Avenue, Natick, which is now or formerly the site of the Middlesex Avenue parking garage, for the purpose of construction, operation and management of a facility which would provide public parking, residential use and/or commercial use, and parking associated with said residential use and/or commercial use; or otherwise act thereon.

ARTICLE 14
(Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to lease for a term not to exceed ninety nine years the property at 20 Middlesex Avenue, Natick, MA which is now or formerly the site of the Middlesex Avenue parking garage, for the purpose of construction, operation and management of a facility which would provide public parking, residential use and/or commercial use, and parking associated with said residential use and/or commercial use; or otherwise act thereon.

ARTICLE 15
(Board of Selectmen)

To see if the Town will vote to amend Article 77, Water and Sewer Rate Discount program, of the Town of Natick By-Laws as follows:

1. In Section 1, Purpose, Applicability, to delete the word “seventy” and insert in its place the word “sixty-five” so that Section I reads:

“The Selectmen shall determine the percentage of discount to be applied to the Water and Sewer Rate charges of certain persons age sixty-five or over who own and occupy the dwelling receiving water and sewer services.”

2. In Section 4, Alternate Application Procedure, Duration, in the first sentence insert the word “either” before the words “such tax exemption” in the two clauses where they appear, and insert the words “referred to in Section 2 above and who meet the asset test under Clause 41C of Section 5 of

Chapter 59 of the Massachusetts General Laws” after the words “such tax exemption” where they first appear.

As amended Section 4 would read:

“Section 4 Alternate Application Procedure, Duration

Water and sewer users who own and inhabit dwellings who qualify for either such tax exemption referred to in Section 2 above and who meet the asset test under Clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws, but for whatever reason, choose not to apply for either such tax exemption may apply to the Board of Assessors for eligibility certification. The Board of Assessors shall provide forms for application and shall within thirty (30) days determine whether such applicant is eligible. The effective date of certification shall be the approval date by the Board of Assessors and shall continue for a period of up to one year; provided however, that all such certifications shall terminate on June 30 of each year.”

Or otherwise act thereon.

**ARTICLE 16
(Town Administrator)**

To see if the Town will vote to accept the following streets and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk:

Farm Hill Road (the extension of)
Davis Brook Drive
Woodbury Lane
Manchester Place

**ARTICLE 17
(Warren C. Healer, et al)**

To see if the Town will vote to accept Whitridge Road and appurtenant easements as laid out and filed with the Town Clerk and shown on the Street Acceptance Plan dated February 16, 2005 prepared by MacCarthy and Sullivan Engineering, Inc.

**ARTICLE 18
(Indirect Cost Study Committee)**

To hear a report by the Indirect Cost Study Committee (Committee), organized and authorized by Town Meeting pursuant to Article 23 of the 2006 Annual Town Meeting regarding municipal water and sewer budget, including enterprise fund budget, indirect costs consistent with its charge; and take any other action with respect to said report and/or action or actions related to the foregoing committee, including (1) extending the term of the Indirect Cost Study Committee to May 31, 2007, (2) appropriate the

amount of \$750.00 for the printing of and postage for circulating survey material, and reproduction of documents related to the Indirect Cost Study Committee task.

ARTICLE 19
(Planning Board)

To see if the Zoning By-Laws shall be amended as follows:

By adding to Section II-A.6 Affordable Housing the following:

“C—SMART GROWTH OVERLAY DISTRICT PROGRAM (SGO)

1. PURPOSE

The Smart Growth Overlay District Program is established pursuant to Massachusetts G.L. c. 40R. It is the purpose of the SGO to encourage smart growth and increased housing production in the Town of Natick. Smart growth is a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves open space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.

2. APPLICABILITY

The provisions of this section shall apply to and may be utilized on any land within a designated SGO District, subject to the requirements and standards set forth in this section. Eligible locations within the Town of Natick for designation as SGO Districts shall be (1) areas near transit stations, including rapid transit, commuter rail, and bus terminals; (2) areas of concentrated development, including Town center and other commercial districts in the Town; or (3) areas that by virtue of their infrastructure, transportation access, existing underutilized facilities, and/or location make highly suitable locations for residential or mixed use smart growth zoning districts.

All regulations of the underlying zoning districts shall apply within the SGO District, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section. Where requirements and standards within the SGO District, as set forth in this Section, differ from or conflict with applicable requirements and standards set forth in this By-Law, the requirements and standards established for the SGO District shall take precedence.

3. PERMITTED USES AND DENSITY

a) Pursuant to site plan review and the requirements of this Section, the Applicant may construct in the SGO District any combination of single-family residential units, 2-3 family residential units, and multi-family residential units. A “Multi-family residential unit” is any structure containing four or more residential units. Residential units in the SGO District may include existing residential units within the SGO District, infill units on vacant lots within the SGO District, or additional housing units within existing buildings in the SGO District.

- b) Density: The maximum number of dwelling units allowed in the SGO District shall be:
 - i) Single-family residential units: 8 units per acre.
 - ii) 2-3 family residential units: 12 units per acre.
 - iii) Multi-family residential units: 28 units per acre.
- c) Not less than 20% of the total number of dwelling units allowed in the SGO District shall be Affordable Housing Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein) and shall be “affordable housing” as defined by G.L. c. 40R, § 2.

4. INTENSITY REGULATIONS

Minimum site area:	5 acres
Minimum lot area	
Single-family units:	7500 square feet
2-3 family units:	7500 square feet per structure
Multi-family units:	1575 square feet per unit
Continuous frontage:	40 feet
Minimum depth:	100 feet
Minimum setback, front:	25 feet
Minimum side-yard setback:	10 feet
Minimum rear-yard setback:	10 feet
Maximum building coverage:	40%
Maximum building height:	40 feet
Minimum open space:	35%

5. APPROVAL PROCESS

A project proposed for the SGO District shall be subject to approval by the Planning Board under this Section and subject to Site Plan Review.

- a) Applicants are encouraged to appear before the Planning Board and the Design Review Board prior to a formal application for informal discussions and review of projects proposed for the SGO District.
- b) Applicants shall make a formal application to the Planning Board for approval of a project that is proposed for the SGO District pursuant to this Section (the “Project”) and for site plan review of the Project pursuant to the provisions of this By-Law. The Applicant may be required to pay for reasonable consulting fees to provide peer review of the Project for the benefit of the Planning Board.
- c) The Project application and site plan review shall be reviewed in a public hearing before the Planning Board.
- d) The Applicant shall submit plans for all buildings, landscaping, and structures to the Design Review Board, which shall submit a report to the Planning Board for consideration during its public hearing on the Project application and site plan review. The Design Review Board shall include in its

report a determination regarding the extent to which the Project meets any or all of the following criteria:

- i) Whether the site plan offers the Town a landmark project with area-wide benefits;
- ii) Whether the site plan demonstrates an overall planning concept and design of individual structures and parcels that is consistent and harmonious with the surrounding neighborhood streetscape and character;
- iii) Whether the site plan includes a professional landscape plan with substantial planting;
- iv) Whether the site plan includes a lighting plan that lights the project in a pedestrian-friendly, neighborhood-friendly, and aesthetically pleasing manner;
- v) Whether the Project shown on the site plan is designed, located and constructed to afford the following:
 - A) Compatibility of architectural styles, scales, building materials and colors within the development;
 - B) Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
 - C) Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
 - D) The capability for constant surveillance, orientation and recognition.

No Project application or site plan shall be approved unless the Design Review Board submits a report to the Planning Board stating that the Project and site plan substantially meet the foregoing criteria.

e) No Project application or site plan shall be approved without a finding by the Planning Board that the Project and site plan are consistent with the Natick Housing Plan.

f) The Planning Board may modify and/or waive strict compliance with one or more of the regulations of paragraphs 3b), 4, or 5d) of this Section 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 encourage the creation of Affordable Housing Units.

g) The Planning Board shall issue a written decision approving or denying the Project application and site plan approval.”

By inserting the following sentence to Section V-D.3.b between the sentence ending “HOOP District.” and the sentence beginning “In a PCD District”:

“One and a half (1.5) spaces for each dwelling unit in a SGO District.”

Or otherwise act thereon

ARTICLE 20
(Planning Board)

To see if the Town will vote to amend its Zoning By-Laws, Section II, Item 11-B, Subsection 1, entitled "Location of Districts (Zones)" by changing the zoning classification of those areas which are located in the "Northwest Quadrant" of the Zoning Map of the Town of Natick, Massachusetts, described as a portion of Lot 111A on Map 35 of the Town of Natick Index Map. Said areas being presently zoned Industrial I are to be zoned Administrative & Professional (AP).

The perimeter of the areas to be zoned Administrative & Professional (AP) are described as follows:

Parcel 1

Beginning at a point on the most northwesterly corner of the parcel herein described at Washington Street at land now or formerly of C.S.X. Corporation, thence running;

- | | |
|--------------|---|
| N 63 17 07 E | 45.06 feet to a point, said course being by of Washington Street, thence turning and running; |
| S 63 39 30 E | 34.91 feet to a point, thence turning and running; |
| S 76 44 30 E | 95.00 feet to a point, thence turning and running; |
| S 83 34 30 E | 137.80 feet to a point, said last three courses being by North Main Street, thence turning and running; |
| S 07 10 55 W | 126.82 feet to a point, thence turning and running; |
| N 82 49 05 W | 208.92 feet to a point, said last two courses being by Parcel 3, thence turning and running; |
| N 30 29 53 W | 153.35 feet to the point of beginning, said course being by land now or formerly of C.S.X. Corporation. |

Parcel 2

Beginning at a point on the most northeasterly corner of the parcel herein described at North Main Street at land now or formerly of Nicholas and Jean Mabardy Trustees thence running;

- | | |
|--------------|--|
| S 00 22 37 W | 125.89 feet to a point, said course being by land now or formerly of Nicholas and Jean Mabardy Trustees, thence turning and running; |
| N 82 49 05 W | 197.65 feet to a point, thence turning and running; |
| N 07 10 55 E | 126.51 feet to a point, said last two courses being by Parcel 3 thence turning and running; |
| S 82 27 30 E | 167.67 feet to a point of curvature, thence turning and running; |

Easterly

By a curve to the right having a length of 15.08 feet and a radius of 316.97 feet to the point of beginning, said last two courses being by North Main Street.

**ARTICLE 21
(Planning Board)**

To see if the Town will vote to amend its Zoning By-Laws, Section II, Item 11-B, Subsection 1, entitled "Location of Districts (Zones)" by changing the zoning classification of those areas which are located in the "Northwest Quadrant" of the Zoning Map of the Town of Natick, Massachusetts, described as Lots 111A, 113A and 113B on Map 35 of the Town of Natick Index Map. Said areas being presently zoned Industrial I are to remain zoned Industrial I but are also to be zoned in the Smart Growth Overlay District (SGO).

The perimeter of the area to be zoned Smart Growth Overlay (SGO) is described as follows:

Beginning at a point on the most northwesterly corner of the parcel herein described at Washington Street at Parcel 1, thence running;

Parcel 3

Beginning at a point on the most northwesterly corner of the parcel herein described at North Main Street at Parcel 1, thence running;

- | | |
|--------------|---|
| S 82 27 30 E | 50.00 feet to a point, said course being by of North Main Street, thence turning and running; |
| S 07 10 55 W | 126.51 feet to a point, thence turning and running; |
| S 82 49 05 E | 197.65 feet to a point, said last two courses being by Parcel 2, thence turning and running; |
| S 00 22 37 W | 80.33 feet to a point, thence turning and running; |
| S 79 44 43 E | 49.60 feet to a point, said last two courses being by land now or formerly of Nicholas and Jean Mabardy Trustees, thence turning and running; |
| S 27 52 04 E | 258.00 feet to a point, thence turning and running; |
| S 04 25 17 W | 182.78 feet to a point, said last two courses being by land now or formerly of The Natick Mills Corporation, thence turning and running; |
| S 02 57 04 W | 25.13 feet to a point, said course being by Bigelow Avenue, thence turning and running; |

S 04 32 04 W 71.66 feet to a point, said last course being by land now or formerly of Fifty Eight North Main Street Realty Trust, thence turning and running;

N 84 37 23 W 99.57 feet to a point, thence turning and running;

N 59 35 18 W 57.73 feet to a point, thence turning and running;

N 01 01 52 E 14.60 feet to a point, thence turning and running;

N 55 37 43 W 59.02 feet to a point, thence turning and running;

N 48 29 53 W 194.38 feet to a point, thence turning and running;

N 30 29 53 W 508.11 feet to a point, said last six courses being by land now or formerly of C.S.X. Corporation, thence turning and running;

S 82 49 05 E 208.92 feet to a point, thence turning and running;

N 07 10 55 E 126.82 feet to the point of beginning, said last two courses being by Parcel 1.

Or otherwise act thereon.

ARTICLE 22
Adjust Terms of Finance Committee Members
(Town Moderator)

To see if the Town will take action to align starting and ending dates of the terms of Finance Committee members with the start and end of the fiscal year; and, in particular, to:

- (1) amend Section 1 of Article 23 of the Town of Natick By-Laws by changing, in the first sentence, the words "beginning May 1" to read "beginning July 1" or any other date; and
- (2) further amend Section 1 by reorganizing the text; and
- (3) vote to extend the terms of current members that expire on April 30 of 2007, 2008, or 2009 until June 30 of the same year.

ARTICLE 23
Report Number of Candidates for Town Meeting
(Town Moderator)

To see if the Town will take action to report to the voters the number of seats in Town Meeting up for election and the number of candidates so that voters in each precinct can encourage full representation for their precinct at the upcoming election; and, in particular, to add a provision to the Town of Natick By-Laws for such reports. The proposed amendment is to add a new section to Article 11 as follows:

Section 13 Report to Voters of Town Meeting Seats to be Filled at Election

Prior to every election of Town Meeting Members, the Town Clerk shall prepare reports listing, by precinct, the number of seats to be filled and the number of candidates to date. The first report and two subsequent updated reports shall be issued as of twenty-eight, fourteen, and seven days, respectively, before the last date for submitting nomination papers to the Registrars of Voters. For these reports, a person nominated for the office or who has submitted nomination papers shall be counted as a candidate. A final report shall be issued as of seven days after the last date for filing with the Town Clerk nomination papers with certified signatures. For this report, a person whose name is going to be on the ballot shall be counted as a candidate. The Town Clerk shall post the reports as a notice on the Town website and shall make copies available to the public upon request.

ARTICLE 24
Proposed Amendment to Natick General By-laws
(Charter & By-law Review Committee)

To see if the Town will vote to amend the Town of Natick By-laws by deleting the third sentence of Article 1, Section 4 of the General By-laws, which currently reads:

Service of the Warrant for every Town Meeting, unless a different time or method is prescribed by law, shall be made by posting an attested copy thereof in each of the Post Offices and in not less than one public place in each precinct in said Town, and by publishing a like attested copy in a newspaper of general circulation in said Town.

And further by inserting in its place the following third sentence:

Service of the Warrant for every Town Meeting, unless a different time or method is prescribed by law, shall be made by posting an attested copy thereof in each of the Post Offices, all public libraries and in not less than one public place in each precinct in said Town, and by publishing in a newspaper of general circulation in said Town a notice of availability of an attested copy of said warrant.

Or otherwise act thereon.

ARTICLE 25
Appoint Members At-Large to Fill Town Meeting Vacancies
(Town Moderator)

To see if the Town will take action to appoint, until the next election, other voters committed to representing their fellow voters as Town Meeting Members whenever there are no voters from a particular precinct who are able to assume that responsibility and will thereby maintain the complete 180-member roster; and, in particular, to approve an amendment to Section 2-6 (d) of Article 2 of the Natick Home Rule Charter for submittal to the voters. The proposed amendment is as follows:

Strike the last sentence in Section 2-6 (d) which reads:

In the event there are no persons eligible, the vacancy shall remain unfilled until the next town election.

In its place, add the following:

After the town clerk has made these appointments, if there are still vacancies in a precinct, the town clerk shall consider all the other precinct lists as a consolidated list, similarly constructed in descending order, and shall make appointments of members, designated as members at-large, in accordance with the ordering of names on the consolidated list. In the event there are no persons on all the lists, vacancies shall remain unfilled until the next town election.

ARTICLE 26 (Planning Board)

To see if the Town will vote to add the following new General By-law which would regulate the placement of newsracks and similar devices on any public property and in any public way within the Town of Natick.

ARTICLE 72. A. NEWSRACKS ON PUBLIC PROPERTY AND PUBLIC WAYS

Section 1 Purpose and criteria

The purpose of this by-law is to promote the public health, safety and welfare of the inhabitants of Natick through the regulation of placement, type, appearance and servicing of newsracks on public property and in public ways so as to:

- (1) Provide for pedestrian and vehicular safety and convenience;
- (2) Minimize to the greatest extent possible interference with the safe and efficient movement of pedestrians and vehicular traffic, including ingress into or egress from any building situated along a public way, or movement along any public sidewalk or between a public way and a public sidewalk;
- (3) Provide for safe and adequate access to poles, posts, traffic signs and signals, hydrants, mailboxes and areas used for public transportation services;
- (4) Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on public property and public ways, or which unreasonably detract from surrounding aesthetics, including adjacent properties, landscaping and other improvements, as well as to have abandoned or unused newsracks removed;
- (5) To regulate in a fair and equal manner all newsracks and their contents.

Section 2 Definitions

As used in this by-law, the following terms shall have the meanings indicated:

- (1) Newsrack - Any type of unmanned device or enclosure intended for the vending or free distribution of newspapers, periodicals, magazines or other literature.
- (2) Public property - Any municipally owned land or building located in the Town of Natick.
- (3) Public way - Any public street, highway, sidewalk, parkway or alley located in the Town of Natick.

Section 3 General placement of newsracks

Subject to the specifications and prohibitions set forth in this by-law, newsracks may be installed on public property and in public ways, however, such newsracks shall be placed parallel to and no closer than eighteen (18) inches from the curb, or near the wall of a building parallel to and not more than six (6) inches from the wall.

Section 4 Newsrack specifications

- (1) Newsracks shall be maintained in good working order at all times, freshly painted and with unbroken handles. There shall be no sharp or jagged edges or protrusions on any newsrack which could cause injury or damage to persons or vehicles;
- (2) The name, address and telephone number of a responsible person who may be contacted at any time shall be displayed on the newsrack in such manner as to be readily visible and readable.
- (3) Newsracks shall be either freestanding or shall be bolted in place through four (4) standard holes in the newsrack base to pavement or a pad. No newsrack may be chained, wired, cabled, attached or fixed to any pole, post, tree, fence, bench, trash receptacle or any other structure on public property or in a public way unless such anchor has been provided specifically for such purpose. If a bolted newsrack is removed, the bolts shall be likewise removed entirely and the holes shall be filled with suitable material;
- (4) Newsracks shall carry no cardholders or advertising except the name of the newspaper or material being dispensed limited to two (2) square feet per side and six (6) square feet in total, and/or a copy of the latest edition of such material behind a clear panel in the door of the newsrack.
- (5) Except for the clear panel, all surfaces of a newsrack shall be either green, beige, brown, black or gray in color with a flat finish. Brilliant or fluorescent-type finish is not permitted.

Section 5 Newsrack prohibitions

No newsrack shall be placed, installed, used or maintained:

- (1) Within ten (10) feet of any marked crosswalk;
- (2) Within ten (10) feet of any fire hydrant, fire or police call box, or other emergency facility or device;
- (3) Within ten (10) feet of any driveway;
- (4) Within ten (10) feet ahead of and ten (10) feet to the rear of any sign marking a designated bus stop, as measured along the edge of the pavement or curb line;
- (5) At any location where the clear space for passage of pedestrians would be reduced to less than six (6) feet;
- (6) Within five (5) feet of any display window of any building abutting any sidewalk or in such a manner as to impede or interfere with the use of such window display purpose, or within six (6) feet of any building entrance;
- (7) Facing another newsrack, separated only by the width of a sidewalk or pedestrian walkway;
- (8) Within five (5) feet of any sign, street light pole, traffic signal pole, utility poles or parking meters.
- (9) Within five (5) feet of any stairway, ramp or handicap access device.
- (10) Within twenty (20) feet of any fixed flagpole, commemorative monument, school or school ground, playground or athletic field, cemetery, funeral home or building or site of regular secular or religious ceremony and observance.

Section 6 Enforcement

This by-law shall be enforced by the Inspector of Buildings subject to the following:

- (1) Nonconforming newsracks. Within one hundred (100) days after the effective date of this by-law, and at any time thereafter, any newsrack in violation or nonconformance with any provision of this by-law shall be subject to remedy as provided by law, including but not limited to the imposition of fines, and removal by the Town;
- (2) Abandonment. In the event that any newsrack installed pursuant to this by-law does not contain the publication specified therefor within a period of forty-eight (48) hours after release of the current issue or when no publication is in the newsrack for a period of more than seven (7) consecutive days, the newsrack shall be considered abandoned and the Town

shall thereafter remove such newsrack. In the event that a newspaper publishing company or its distributor desires to voluntarily abandon or discontinue a newsrack location, said newsrack shall be completely removed, and the public property or public way shall be promptly restored to a safe condition, leaving no holes or projections in any surface.

- G. Severability. If any subsection, paragraph, term or provision of this section is determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such determination shall have no effect on any other paragraph, term or provision hereof, all of which shall remain in full force and effect.

or take any other action related thereto.

ARTICLE 27
(Richard Sidney, et al)

To see if the Town will vote to change the start date of the Annual Spring Town Meeting; and to take any other action relative thereto.

ARTICLE 28
Proposed bylaw to regulate the hours of construction, demolition
and motorized landscaping activity in residential neighborhoods
(Jeanne Williamson Ostroff, et al)

To see if the Town will establish a bylaw to regulate the hours of construction, demolition and motorized landscaping activity in residential neighborhoods so as to prohibit excessive noise generation before 7:00 a.m. on weekdays and 8:00 a.m. on weekends and legal holidays, or any other time.

ARTICLE 29
(Board of Selectmen)

To hear and act upon the reports of the several Town officers and reports of committees authorized by vote of any further Town Meeting and to authorize a sum of money for the purpose thereof.

