

**2015 Spring Annual Town Meeting
Fine and Performing Arts Center
Natick High School
May 14, 2015
Seventh Session**

The Seventh Session of the 2015 Spring Annual Town Meeting was called to order at 7:40 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Seventh Session of 2015 Spring Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. There were none. All members and the audience stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; James Everett, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; Brandon Moss, Town Counsel; and Charles Hughes, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations and Mr. Towne, Deputy Town Administrator for Finance.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by ***Town Meeting Time***, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts. No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking thereon.

Mr. Foss made several announcements regarding upcoming events open to the public.

Moved by Mr. Hughes seconded by Mr. Sidney to offer the following resolution:

WHEREAS the Natick Department of Public Works provides vital services to the community in maintaining and improving our roads and sidewalks, water and sewer, fleet and equipment, facilities and land and many other public assets, and

WHEREAS Tom Collins as a member of the leadership team at the Department of Public Works has achieved well-earned state and national recognition for his achievements, and was recently named one of the Top Ten Public Works Leaders of the Year by the American Public Works Association, and

WHEREAS the American Public Works Association award honors excellence and dedication in public service by recognizing career service achievements of individual public works professionals and officials, from both the public and private sectors,

NOW THEREFORE Natick Town Meeting congratulates Tom Collins for his many accomplishments and for this well deserved recognition, and thanks Tom Collins and the Department of Public Works for their service to our community.

Moved by Mr. Freedman, seconded by Mr. Sidney to waive the reading of the motion. ***The motion to waive the reading of the motion passed unanimously. The motion passed unanimously.***

The Moderator announced that the meeting will begin Articles 32, 34, 33 and 35 and then move to Articles 8 and 9 and then to Article 14.

ARTICLE 32: 22 Pleasant Street Rezoning Classification Study Committee: Hear Report and Recommendations (22 Pleasant Street Rezoning Classification Study Committee)

To see what action the Town will take to hear and/or to accept the report and recommendations of the 22 Pleasant Street Zoning Classification Study Committee created under Article 40 of Spring 2014 Town Meeting, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 13-0-0 on March 24, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 32.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to receive the report of the 22 Pleasant Street Rezoning Classification Study Committee.

The main motion under Article 32 passed unanimously. Mr. Griesmer, Chair of the 22 Pleasant St. Rezoning Classification Study Committee made the report.

ARTICLE 34: Acquisition of Easement Over 22 Pleasant Street (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, taking by eminent domain or otherwise an easement for vehicular, non-motorized conveyance, and pedestrian access over the property at 22 Pleasant Street, Natick, owned now or formerly by James M. Knott, (the subject property) between Pleasant Street and the Town-owned property which abuts the subject property to the north; to determine the location of said easement; and to see what sum of money the Town will vote to appropriate and/or raise a from tax levy, free cash, other sources, or authorize borrowing for the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 13-0-0 on March 24, 2015, the Finance Committee recommends **Referral to the Sponsor** with regard to the subject of Article 34.*

MOTION (requires majority vote):

Moved by Mr. Hughes, seconded by Mr. Freedman to refer the subject matter of Article 34 to the Board of Selectmen.

The main motion under Article 34 passed unanimously.

ARTICLE 33: Amend Zoning By-Law to Create Assisted Living Option Overlay District (22 Pleasant Street Rezoning Classification Study Committee)

To see what action(s) the town will take to amend the Zoning By Law to create an Assisted Living Option Overlay District (ALoop) and to designate 22 Pleasant Street in South Natick (also identified as real estate tax parcel or Lot 44 on Map 64 of the Town Assessor) as an ALoop District including but not limited to:

- 1) specifying the purpose and objective of such ALoop
- 2) creating new or modifying existing definitions for this purpose whether within an ALoop section of or elsewhere in the zoning bylaw
- 3) setting any and all dimensional and intensity regulations for this ALoop including without limitation:
 - a) height including "sky plane" or stepped back height restrictions,
 - b) any and all setbacks,
 - c) lot frontage,
 - d) lot depth,
 - e) number of units,
 - f) type and size of units,
 - g) number of residents,
 - h) minimum or maximum parking requirements,
 - i) open space,
 - j) lot coverage,
 - k) building coverage,
 - l) Floor Area Ratio (FAR),

m) Landscape Surface Ratio (LSR),

n) lot area, etc.

4) specifying whether such ALOOP requires a Special Permit, what the Special Permit and/or Site Plan Review process might consist of or require and who the Special Permit Granting Authority would be

5) specifying whether or not and to what extent and on which dimensional or intensity or regulations and under what conditions the Special Permit Granting Authority might waive or modify such regulations

6) using existing provisions and/ or text of the Assisted Living Residences section of the Zoning By Law or make amendments thereto or creating provisions and/or text unique to the ALOOP whether in whole or in part

7) establishing requirements for:

a) screening and/or buffering of structures, site improvements, parking and or the site from adjacent and surrounding residences and land uses,

b) orientation, location and/or screening of loading docks, dumpsters, service and main entrances,

c) residual uses including residual use regulation, restriction and or bonding for removal upon cessation of Assisted Living use,

d) which underlying zones of 22 Pleasant St. may be used in the ALOOP including extent to which requirements of underlying zones will apply unless specifically modified in the ALOOP,

e) design and/or design review standards

f) ability or prohibition to place mechanical, vent or other structures on rooftops

g) any or all activities to be conducted in such a manner that noise, smoke, dust, odor, vibration, waste disposal or other objectionable features are confined to the premises, buildings or structures

h) any and all matters currently included and/or addressed in "Section V - Special Requirements" section of the existing Town of Natick Zoning By Law whether such matters are i) specifically and/or differently addressed in the ALOOP, ii) modified for the ALOOP within said Section V, or iii) applied to the ALOOP as set forth in said Section V

i) height, elevation and/or orientation of windows and other building features in relation to neighboring properties and/or

j) other neighborhood and abutter protections

8) specifying requirements for the applicability of the Aquifer Protection District to the ALOOP and/or changing the applicability of the Aquifer Protection District to residential projects in the RG and zones including modifying use variance language therein

And taking any other action consistent with the creation of this ALOOP or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee had no recommendation in regard to the subject of Article 33.

MOTION (requires majority vote):

Moved by Mr. Sidney, seconded by Mr. Griesmer to refer the subject matter of Article 33 to the Planning Board.

The motion to refer the subject matter of Article 33 passed unanimously.

ARTICLE 35: Acquire Property Located at 22 Pleasant Street for Open, Park and Recreation Purposes (John Ciccariello et al)

To see what actions the Town or Town Meeting will take to determine, appropriate, and/or raise a sum of money from tax levy, free cash, other sources, or authorize borrowing to acquire the property known as 22 Pleasant Street and all property interests and any expenses related thereto, said property being shown as Parcel 44 on Town of Natick Assessors' Map No. 64 containing 4.1 acres adjacent to the Hunnewell Baseball Fields; and to determine any and all conditions under which the property is to be

acquired, and if it is to be acquired by the Town, only when free from contamination, and to authorize the Selectmen or other Town committee to contract now for the purchase of the property and all property interests after such conditions are met. Also, to see what actions the Town or Town Meeting will take to dedicate the use of the property for recreation, open space, other Town purposes, e.g., relocation of the Memorial School ball fields, or a strategic combination with the adjacent Hunnewell Baseball Fields and other recreation land across Pleasant Street to the west, or to reactivate the canal for canoeing or boating purposes, or any and all uses the Town or Town Meeting may deem appropriate, or take any other action relative thereto.

PURPOSE OF ARTICLE:

The purpose of this Article is to acquire 22 Pleasant Street for park, recreation, open space, or other Town purposes.

FINANCE COMMITTEE RECOMMENDATION:

*By a vote of 12-0-1 on March 24, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 35.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to authorize the Board of Selectmen to negotiate with the Owner of the 22 Pleasant Street Property to purchase and acquire the property for use as open park and recreation purposes. Said property is to be acquired free and cleaned of all contamination.

Moved by Mr. Hayes, seconded by Mr. Freedman to amend the main motion by deleting it and replacing it with the following: move to authorize the Board of Selectmen to negotiate with the Owner of the 22 Pleasant Street Property to purchase and acquire the property for use as open park and recreation purposes. Said property is to be acquired free and cleaned of all contamination for its intended use and purpose.

Said land as further described as follows:

Beginning at a point on the east side of Pleasant Street at the southwest corner of land n/f Town of Natick; thence,

Easterly along lot line 328.35 feet +/- to a point; thence,

Easterly along the lot line 625 feet +/- to a point in the center of the Charles River; thence,

Southerly along the center of the Charles River 238 feet +/- to a point; thence,

Westerly along the lot line of land n/f Magdi Yousef 264 feet +/- to a point; thence,

Northerly along a lot line 52.38 feet +/- to a point; thence,

Westerly along a lot line 151.32 feet +/- to a point at the northeast corner of land n/f Barbara & William Campbell; thence,

Westerly along a lot line 148.50 feet +/- to a point at the northeast corner of land n/f Barbara & Rexford Kidd; thence,

Westerly along a lot line 377.16 feet +/- to a point on the east side of Pleasant Street; thence,

Northerly along the east side of Pleasant Street 116.10 feet +/- to the beginning.

Mr. Ciccariello spoke to this article.

Moved by Mr. Hughes, seconded by Mr. Munnich to add the following text at the end of the amended main motion "Shown as Parcel 44 on Assessors Map 64. ***The amendment passed unanimously.***

Moved by Mr. Sidney seconded by Mr. Awkward to amend the amended main motion to strike the sentence "Said property is to be acquired free and cleaned of all contamination for its intended use and purpose". ***This amendment failed.***

Moved by Mr. Nottonson, seconded by Mr. Glater to amend the first paragraph by deleting the words "for its intended use and purpose". ***The amendment failed.***

Discussion on the article continued.

Moved by Dr. Keefe, seconded by Mr. Griesmer to move the question and end debate on the issue.

The motion to move the question and close debate passed by two-thirds vote. The amendment as proposed by Mr. Hayes passed by majority vote. The amended main motion passed by majority vote.

ARTICLE 8: Amend Town By-Laws: Article 21 (Town Administrator)

To see if the Town will vote to amend Article 21 of the Town By-Laws as follows.

1. In the Article title, and in all instances throughout the Article, change all references to “Community Development Director” to “Director of Community and Economic Development.”
2. In Section 2.2, change reference to “Community Development Department” to “Department of Community and Economic Development”;

or otherwise act thereon

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 8-2-0 on March 19, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 8.*

MOTION (requires majority vote):

Moved by Mr. Evans seconded by Mr. Everett that the Town vote to amend Article 21 of the Town By-Laws as follows.

1. In the Article title, and in all instances throughout the Article, change all references of “Community Development Director” to “Director of Community and Economic Development.”
2. In Section 2.2, change reference of “Community Development Department” to “Department of Community and Economic Development”

Moved by Mr. Hayes, seconded by Mr. Brown to amend the main motion to add the word “Preservation” after the word “Community” in both the points. Moved by Ms. Foss, seconded by Mr. Hughes to move the question and end debate on the amendment. *The motion to move the question and end debate on the amendment passed by two-thirds vote. The amendment failed. The main motion under Article 8 passed by majority vote.*

ARTICLE 9: Amend Town By-Laws: Change All References to “Community Development Director” to read “Director of Community and Economic Development” (Town Administrator)

To see if the Town will vote to amend the Town By-Laws such that all references to “Community Development Director” are changed to “Director of Community and Economic Development”; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 8-2-0 on March 19, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 9.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to amend Article 41 of the Town By-Laws, specifically the chart at the end thereof titled Town Regulations, such that the reference of “Community Development Director” is changed to “Director of Community and Economic Development.”

The main motion under Article 9 passed by majority vote.

The Moderator extended special thanks to the staff at Pegasus, the Pages, Mr. Chenard, the Town Clerk’s Office staff, the custodial staff at Natick High School and all others help make sure that Town Meeting runs smoothly.

ARTICLE 14: Collective Bargaining (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical unit
- b) Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works Laborers unit
- c) Public Employees Local Union 1116 of the Laborers International Union of North America – Library employees
- d) Supervisors and Administrators Association
- e) The Natick Patrol Officers Association
- f) New England Police Benevolent Association, AFL-CIO, Local 182
- g) Service Employees International Union Local 888, Dispatch
- h) Local 1707 International Association of Firefighters
- i) The Deputy Fire Chiefs Association
- j) Maintenance and Custodians Local #1116

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 14-0-0 on March 26, 2015, the Finance Committee recommends **No Action** with regard to the subject of Article 14.*

MOTION (requires majority vote):

Moved by Mr. Evans seconded by Mr. Everett that no action be taken under Article 14.

The motion to take no action on the subject matter of Article 14 passed by majority vote.

Moved by Mr. Hughes, seconded by Mr. Ostroff to dissolve the 2015 Spring Annual Town Meeting.

The motion passed unanimously and the meeting dissolved at 9:50 PM on Thursday, May 14, 2015.

A record of the Seventh Session of
2015 Spring Annual Town Meeting
May 14, 2015

Diane Packer, Town Clerk