

**2017 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
October 24, 2017
Third Session**

The Third Session of the 2017 Fall Annual Town Meeting was called to order at 7:40 PM by 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 Third Session of 2017 Fall 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 no new Town Meeting members. The Moderator asked the audience to stand 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; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; Karis North, Town Counsel; and Jonathan Freedman, Chair, Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations and Tim Lathwood, a representative from Option Technologies who will be operating the electronic voting system.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at a previous session of this 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.

Moved by Mr. Ostroff, seconded by Mr. Sidney that when Town Meeting adjourns on Thursday, October 26th that it will reconvene on Thursday, November 2nd at 7:30 PM. ***The motion passed by a two-thirds vote (by hand count).***

The Moderator announced that the meeting will begin with consideration of Articles 17 and 18, followed by Articles 29, 31 through the remainder of the warrant.

ARTICLE 17: Design Development of the Kennedy Middle School (Superintendent of Schools)
To see if the Town of Natick will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the design development work of the Kennedy Middle School, 165 Mill Street, Natick, MA, for which the design development work has been deemed eligible for a grant from the Massachusetts School Building Authority as a reimbursable cost. Any costs the Town incurs in connection with the design development work in excess of the grant from the MSBA shall be the sole responsibility of the Town.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11-0-0 on **October 12, 2017** the Finance Committee recommends ***Favorable Action*** on the motion as printed below.

MOTION (requires two-thirds majority vote):

Moved by Mr. Evans seconded by Mr. Evans that the Town of Natick vote to appropriate an amount not to exceed two million, nine hundred, seventy five thousand dollars (\$2,975,000) for the purpose of paying the costs of the design development work of the Kennedy Middle School, 165 Mill Street, Natick, MA, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for reimbursement from the Massachusetts School Building Authority (“MSBA”) at a minimum of 44.26% of eligible costs pending execution of a Project Funding Agreement. Said

amount of funds to be expended under the direction of the School Committee. To meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. In accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on needs, as determined by the MSBA, and any costs the Town incurs in excess of the approved grant shall be the sole responsibility of the Town, and that amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount paid for in the Project Funding Agreement that may be executed between the Town and the MSBA.

The Moderator announced that there would be presentations by the Dr. Sanchioni, Superintendent of Schools as well as several other consultants working on this project. The Moderator also announced that the presentations would cover both Articles 17 and 18 at the same time. The Moderator requested that Town Meeting allow Mr. Tim Bonafatti, the Owners Project Manager (OPM), a non-resident of Natick, to speak. Mr. Munnich, a member of the Planning Board spoke to the Article 18 at this time as well. Discussion ensued on Article 17.

The main motion under Article 17 passed by a two-thirds vote (121-4-2).

ARTICLE 18: Amend Zoning By-Laws: School Campus (School Committee)

To see if the Town will vote to amend the Zoning Bylaws, including but not limited to, adding new sections and/or definitions, and/or amending existing sections, and/or definitions, and/or applying existing regulations in order to provide for a new Use "School Campus" subject to Section III – USE REGULATIONS, subsection III – A.7 Regulation of Land or Structures for Purposes Otherwise Exempted from Permitting; and/or otherwise regulate height for buildings and structures for Use Regulation Schedule use number 45 Municipal facility and use number 48 Schools; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12-0-0 on **September 12, 2017** the Finance Committee recommends ***Favorable Action*** on the motion as printed below.

MOTION: (Requires two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes that the Zoning Bylaws be amended as follows:

-In Section 200 Definitions add a new definition:

“SCHOOL CAMPUS: a parcel or parcels of land containing buildings, structures, accessory buildings and structures, and facilities, inclusive of student and faculty housing, for the operation of educational programs that are: Licensed or accredited by the Massachusetts Department of Elementary and Secondary Education, and/or approved pursuant to M.G.L. c. 76, § 1, and/or authorized pursuant to 610 CMR 2:00, and/or established pursuant to MGL c.15A s.5.”

-In Section III – USE REGULATIONS, – A.7 Regulation of Land or Structures for Purposes Otherwise Exempted from Permitting; following part 3. b) (iv), add a new part (iv.a) as follows:

“(iv.a) For a School Campus: For contiguous parcels of less than 5 acres, intensity regulations of part (iv) apply. For contiguous parcels of 5 acres and greater: Buildings and structures not exceeding the height for the zoning district in which they are located may not project beyond sky exposure planes determined from the lot lines in a rise:run ratio of 1:1. For contiguous parcels of 5 acres and greater the height of individual buildings and structures may be 60 feet subject to 60 foot setbacks and sky exposure planes determined from the lot lines in a rise:run ratio of 1:2.”

And; following part 3. b) (v), add a new part (vi) as follows:

“(vi) Towers, steeples, cupolas, and other similar elevated structural building elements may exceed the Maximum Height of Building for the district in which it is located provided that such structural element does not project beyond the applicable Sky Exposure Plane, and provided that such elements do not have a combined cross-section area exceeding the lesser of 500 square feet or 15 percent of the building's footprint.””

The main motion under Article 18 passed by two-thirds vote (124-3-1).

ARTICLE 29: Appropriate Funds for Analysis of Current Zoning and Zoning Map (Planning Board)

To see what sum the town will appropriate and raise, or otherwise provide for the procurement of professional services to analyze properties in existing zoning districts for compliance with current intensity regulations including but not limited to lot area, frontage, depth, front, side and rear yard setbacks, building coverage, height and open space, as enumerated in the town's zoning by-law; to propose potential alterations, amendments or revisions to the town's current zoning by-law and/or zoning map; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of **8-5-0** on **September 19, 2017** the Finance Committee recommends *Referral* on the motion as printed below.

MOTION: (Requires majority vote)

Moved by Ms. Evans, seconded by Mr. Gath to appropriate the sum of \$100,000 from Free Cash for the procurement of professional services including but not limited to analyzing properties in existing zoning districts for compliance with current intensity regulations including but not limited to lot area, frontage, depth, front, side and rear yard setbacks, building coverage, height, and open space, as enumerated in the Town's zoning bylaw; and to propose potential alterations, amendments, or revisions to the Town's current zoning bylaw and/or zoning map, under the direction of the Planning Board.

Mr. Sidney moved, seconded by Mr. Gath to waive the reading of the motion. *The motion to waive the reading of the motion passed by majority vote (by hand count).* Mr. Errickson, Director of Community and Economic Development spoke to this motion. There was discussion on this article.

Mr. Ostroff moved, seconded by Mr. Glater to insert the words “,to be expended under the direction of the Planning Board,” after the words “Free Cash” and delete the words “, under the direction of the Planning Board” after the words “zoning map”.

The amendment to the main motion passed by majority vote (93-13-4). The amended main motion passed by majority vote (85-21-5).

ARTICLE 31: Amend Zoning By-Laws: Sky Exposure Plane (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws with regard to augment Sky Exposure Plane standards as provided, in part, by MGL c. 40A s. 9B, by amending or modifying Section 200 Definitions and Section IV – Intensity Regulations; or otherwise act thereon.


FINANCE COMMITTEE RECOMMENDATION

The Finance Committee does not have a recommendation on the subject matter of Article 31.

Moved by Ms. Evans, seconded by Mr. Sidney to postpone consideration of Article 31 until Thursday, October 26th. *The motion to postpone consideration of Article 31 passed unanimously (by hand count).*

Moved by Mr. Sidney, seconded by Collins to adjourn. *The motion to adjourn passed by majority vote and the meeting adjourned at 9:54 PM until Thursday, October 26th.*

A record of the Third Session of
2017 Fall Annual Town Meeting
October 24, 2017


Diane Packer, Town Clerk