

**2017 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
November 9, 2017
Seventh Session**

The Seventh Session of the 2017 Fall Annual Town Meeting was called to order at 7:45 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 Seventh 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 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, Town Clerk; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; Karis North and Cindy Amara, Town Counsel; and Susan Salamoff, Vice 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. 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.

The Moderator announced that the meeting will begin with consideration of Articles 52 and 53.

ARTICLE 52: Amend Zoning By-Law to Make Various Technical Corrections and Modifications to the Downtown Mixed Use District, the Definitions and Sections of the Zoning By-Law Dealing with Affordable Housing and Provisions for Pre-Existing Nonconforming Uses (Cathleen Collins et al)

To see what action(s) the town will take to amend the Zoning By-Law to make technical corrections, modifications, amendments, or changes regarding:

- i) the Downtown Mixed Use (DM) zoning district to require minimums for affordable housing in any and/or all multi-family developments and/or mixed use developments containing multi-family dwelling units, to establish density limitations for any or all multi-family housing and/or mixed use developments containing multi-family dwelling units, to establish bonus density provisions and/or requirements for multi-family uses provided that additional affordable housing and/or other public benefit amenities are created, to specify those additional densities and/or to set provisions for increased affordable housing, to reduce any or all maximum height limitations, to eliminate and/or modify minimum height requirements, to increase the distance requirements from residential districts for certain height limitations, to establish increased setback and/or open space requirements within certain distances of residential districts, to establish those distances from residential districts, to eliminate the exemption or grandfathering of reduced open space requirements for structures in existence on January 1, 1987, to change the open space requirements for at grade landscaping to be consistent with the definition of open space in the Zoning By-law, to increase the requirement for open space within certain distances of residential districts, and/or to establish those distances from residential districts, and/or;
- ii) the Inclusionary Housing Option Program (IHOP) and the Housing Overlay Option Plan (HOOP) 1 and 2 Districts in III-A.6 of the Zoning By-Law: to change references to and/or requirements for low and/or moderate income housing to a definition, word, phrase, or term and/or requirement consistent with the Commonwealth's requirements for inclusion in the Subsidized Housing Inventory (SHI), to reduce the densities in HOOP 1 and /or HOOP 2 whether by increasing the numbers by which land area or net land area is divided or by other means or amendment, to establish increased affordable housing requirements in return for increased density, to eliminate and/or modify the criteria and/or provisions for increased density in III.A.6.B (4) a and b and /or to insert new quantitative, measurable and/or objective criteria and/or provisions for permitting bonus density in Section III.A.6 B (4) or other new subsection,

to increase all percentages in Section III.A.6 A 3 to 10% or a greater number, and/or;

- iii) the definitions of Affordable Housing, Low Income, Moderate Income and Subsidized Housing in the Definitions section of the Zoning By-Law provided that all changes conform to the definitions, in whole or in part, to the Commonwealth's definitions of and requirements for inclusion in the Town's Subsidized Housing Inventory (SHI), and/or to clarify and/or require in said definitions that, when such terms are used in connection with affordable housing, such terms shall be construed only to mean affordable housing that qualifies for inclusion in the SHI, and/or to insert new definitions for these terms and /or insert new terms for affordable housing units, affordable units or other terms in support or clarification of affordable housing requirements, and/or;
- iv) adding, specifying and/or clarifying affordable housing requirements for a) the RM, PCD , SH districts and/or Use #4 on the Use Regulations Schedule whether in the text of the Zoning By-Law or in the Use Regulations Schedule III.A.2, b) Section III-J Historic Preservation, c) Section III-F Cluster Development Allowed in Certain Districts including without limitation subsections III-1.F, III-2.F, III-3.F and /or III-4.F, d) any part of the Highway Mixed Use II District, Highway Mixed Use III District, Limited Commercial District, Highway Planned Use District, any or all Highway Overlay Districts and/or any other provision or section of the Zoning By-Law, without limitation, that allows multi-family uses such that the Zoning By-Law addresses, deals with, requires, incentivizes affordable housing, establishes minimum affordable housing and/or increases requirements, and/or to require that such affordable housing conform to any or all of the existing and/or revised definitions referred to above and/or the Commonwealth's requirements for inclusion in the SHI, and/or;
- v) changing the text of the footnote "** Affordability Requirements" in Section 323.3 Certain Multi Family Residential Uses a) to include Assisted Living Residence(s) and/or b) to change the determination requirement from one of not affecting the Town's SHI to one of not affecting the calculation, numerator and/or denominator of the Statutory Minima or so called 10% requirement as currently provided in the standards set forth in M.G.L. c.40B, §§ 20 through 23 and 760 CMR 56.03(3) or other applicable law or regulation and/or similarly changing the determination language in Section III-I Assisted Living Residences subsection 8. Affordability Requirements and/or increasing the \$5.00 per sq. ft. requirement in said subsection to a higher number, and/or establishing a similar payment requirement and/or higher \$ per sq. ft. number as an option or exclusive requirement for Assisted Living Residence(s) in the text of the footnote * Affordability Requirements in Section 323.3 Certain Multi Family Uses, and/or;
- vi) Pre-Existing and/or Nonconforming Structures and Uses including but not limited to the following: changing the language in Section V – Special Requirements V-A Nonconforming Uses 2. Extension of the Zoning By-Law to restrict the extent to which and/or the circumstances and/or basis under which the Zoning Board of Appeals may allow any extension, alteration and/or expansion of and/or change in pre-existing nonconforming uses, structures and/or buildings and to specify and/or to limit the extent, if any, to which any nonconformity with other sections of the Zoning By-Law may be increased and /or to prohibit the ability to increase the degree of nonconformity and/or to prohibit , in whole or in part, the ability of the Zoning Board of Appeals to allow changes , alterations, extensions or expansions of pre-existing nonconforming structures, buildings and/or uses provided that none of the above changes under this article may increase the ability of the Zoning Board of Appeals to allow expansion, alteration, increase or change in any pre-existing nonconforming use or structure and/or to expand the basis upon which such permission(s) can be granted , and/or to move the text of footnote bb) from the Intensity Regulations in Section IV-B to Section V –A addressing Nonconforming Uses;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee recommended Favorable Action on Motions A-H by a vote of **11-0-1** on **September October 5, 2017**.

Motion A: (Requires two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes to amend Section 200 – DEFINITIONS of the Natick Zoning By-Laws by replacing the existing definition of 'Affordable Housing' with the following: "**Affordable Housing**: Housing which is permanently restricted, by deed or otherwise, for sale, lease or rental and which qualifies for inclusion in the Town's Subsidized Housing Inventory (SHI) as defined in 760 CMR 56, or, housing which meets the criteria for recognition as Affordable Housing Units under a Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development and which meets the criteria noted above. The

required number of Affordable Housing Units calculated under any applicable Section of this By-Law that includes the term(s) “a minimum” or “at least” shall be rounded to the next highest whole number.”

and, by inserting a new definition for ‘Affordable Housing Units’ as follows:

“**Affordable Housing Units:** Dwelling units which meet all the requirements of Affordable Housing. The required number of Affordable Housing Units calculated under any applicable Section of this By-Law that includes the term(s) “a minimum” or “at least” shall be rounded to the next highest whole number.”

Mr. Ostroff moved, seconded by Mr. Meyer to refer all motions under Articles A-H to the Planning Board. Mr. Ostroff spoke to this motion. The Moderator announced that there would be several presentations. Mr. Griesmer was going to make a presentation that would be about 15 minutes. The body voted by show of hands to allow this time. Mr. Griesmer made a presentation.

Moved by Ms. Collins seconded by Mr. Hayes to refer the subject matters of Article 52 motions F, and H to a committee created by Town Meeting, and appointed by the Moderator; such committee to be comprised of seven (7) members as follows:

One member of the Planning Board;
One member of the Finance Committee;
One member of the Design Review Board; and
Four citizens of the Town,

Provided that,

- i. in the event no member of a Board or Committee identified above desires to serve, the Moderator may appoint citizens of the Town in their stead; and
- ii. citizens of the Town may be members of other Boards or Committees; and
- iii. all effort shall be made to appoint individuals from various precincts of the Town.

Said committee shall have access to Town Counsel and to staff within the Town administration for resource support, including the staff of the Community and Economic Development Department.

Said committee shall evaluate zoning related matters of the Downtown Mixed-Use (DM) district, including:

- 1) Use regulations, including uses permitted as-of-right, permitted by special permit, and prohibited uses.
- 2) Dimensional and density requirements of the district including but not limited to:
 - a. maximum height of buildings and/or structures
 - b. minimum required height of buildings
 - c. open space requirement per lot
 - d. minimum lot area and front, side and rear lot setbacks
 - e. maximum building coverage as a percent of lot area
- 3) Whether any, and if so which, use regulation(s) or dimensional, and density requirement(s) in items 1 and 2 (above) should be graduated to reflect the location and/or distance of a lot/building/structure in DM relative to abutting and/or overlay zoning district(s)
- 4) Such related topics within the Natick Zoning By-Law as the committee deems appropriate

Said committee shall report to 2018 Spring Annual Town Meeting, and 2018 Fall Annual Town Meeting. This shall not preclude a report to any Special Town Meeting occurring before or within 2018 Fall Annual Town Meeting. Said reports shall include all committee recommendations, if any, including recommended amendments to the Natick Zoning By-Law.

Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant opened prior to the dissolution of the 2018 Fall Annual Town Meeting.

Said committee shall dissolve upon the dissolution of 2018 Fall Annual Town Meeting or such later date as Town Meeting shall determine and vote to amend.

Ms. Collins spoke to this referral motion. The Moderator explained that the referral motion presented by Ms. Collins would replace the previous referral motion. There was extensive debate on this motion.

Ms. Adelman Foster moved, seconded by Ms. Evans to amend Ms. Collins referral motion to refer Motions F and H to the Planning Board. The Moderator explained that Town Meeting will be voting

on the amendment to Ms. Collins referral motion. ***The amendment to refer motions F and H to the Planning Board passed (69-36-3).***

The Moderator explained that the motion in front of Town Meeting at this time is the amended referral motion for Motions F and H and a referral motion for the entire article. Mr. Awkward moved, seconded by Mr. Jennett to amend the referral motion by deleting the word "Committee" and insert in its place the words with the "The Planning Board". The amended main motion will read:

Move to refer Article 52 Motions F, and H to the Planning Board.

Said Planning Board shall have access to Town Counsel and to staff within the Town administration for resource support, including the staff of the Community and Economic Development Department.

Said Planning Board shall evaluate zoning related matters of the Downtown Mixed-Use (DM) district, including uses permitted as-of-right, permitted by special permit, and prohibited uses.

Dimensional and density requirements of the district including but not limited to:

- a. maximum height of buildings and/or structures
- b. minimum required height of buildings
- c. open space requirement per lot
- d. minimum lot area and front, side and rear lot setbacks
- e. maximum building coverage as a percent of lot area

Whether any, and if so which, use regulation(s) or dimensional, and density requirement(s) in items 1 and 2 (above) should be graduated to reflect the location and/or distance of a lot/building/structure in DM relative to abutting and/or overlay zoning district(s)

Such related topics within the Natick Zoning By-Law as the committee deems appropriate.

Said Planning Board shall report to 2018 Spring Annual Town Meeting, and 2018 Fall Annual Town Meeting. This shall not preclude a report to any Special Town Meeting occurring before or within 2018 Fall Annual Town Meeting. Said reports shall include all Planning Board recommendations, if any, including recommended amendments to the Natick Zoning By-Law.

This amendment passed by majority vote (by hand count). The amended referral motion passed (69-36-0).


Mr. Ganesh Ramachandran made a presentation regarding Article 52. ***The amended referral motion to refer Motion F and H to the Planning Board passed (80-20-0).***

Discussion continued on Motion A of Article 52. Mr. Filledes moved, seconded by Mr. Pierce to move the question and close debate on Motion A. ***The motion to close debate passed by a two-thirds vote (by hand count). Motion A under Article 52 passed by two-thirds vote (67-27-0).***

Mr. Sidney moved, seconded by Ms. Collins to postpone the remainder of Article 52 until the first order of business on Thursday, November 16th. ***The motion failed (43-36-2).***

Mr. Sidney moved, seconded by Mr. Griesmer to call for a quorum count. There was no quorum present. The meeting adjourned at 10:30PM until Tuesday, November 14th at 7:30 PM at Wilson Middle School.

A record of the Seventh Session of
2017 Fall Annual Town Meeting
November 9, 2017


Diane Packer, Town Clerk