

**2018 Spring Annual Town Meeting  
Fine and Performing Arts Center  
Natick High School  
May 1, 2018  
Fifth Session**

The Fifth Session of the 2018 Spring 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 Fifth Session of 2018 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 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; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; John Flynn, Town Counsel; Karis North, Town Counsel; Bill Chenard, Acting Town Administrator; and Amy Mistrot, Chair, Board of Selectmen; Sean O'Brien, Finance Department 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 the 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 question 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.

The Moderator announced that the meeting would begin with Articles 24, 26, 20, 21, 22, Article 4, and Article 7, Motion D.

**ARTICLE 24: Acquisition of Mechanic Street (Board of Selectmen)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for transportation purposes, permanent easement in that portion of Mechanic Street which is located within the parcel as shown on Town of Natick Assessors' Map 35 Parcel 43, including up to 33.04 feet of an existing utility easement on the northern boundary of said parcel; said property is shown on a plan on file in the Community and Economic Development Office, and further, to see what sum of money the Town will vote to appropriate and raise, borrow, or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

**FINANCE COMMITTEE RECOMMENDATION**

The Finance Committee recommends the following action:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#24	March 22, 2018	No Action	10-0-0

**MOTION: (Requires a two-thirds vote)**

Moved by Ms. Salamoff, seconded by Mr. Jennett that the Town authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain or otherwise, for transportation purposes, a permanent easement in that portion of Mechanic Street which is located within the parcel as shown on Town of Natick Assessors' Map 35 Parcel 43, including up to 33.04 feet of an existing utility

easement on the northern boundary of said parcel; said property is shown on a plan entitled Plan of Land in Natick Mass., owned by Marie T. Mitchell, Trustee of Nickinello Realty Trust at Willow Street, surveyed by Sullivan Surveying Company, 209 West Central Street, Natick, MA, dated August 30, 2011, on file in the Community and Economic Development Office, and to appropriate the sum of \$185,000 from the Capital Stabilization Fund for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article.

Mr. Errickson, Director of Community and Economic Development spoke to this article. Ms. Collins moved, seconded by Ms. Foss to refer the subject matter of Article 24 to the Board of Selectmen. Considerable discussion ensued on this article. Mr. Rochwerger moved, seconded by Mr. Alfano to amend the main motion by deleting the text after the words “Community and Economic Development Office” and add a “.” at the end of the motion. ***The amendment to the main motion failed (22-105-2). The referral motion failed (58-71-0). The main motion did not garner a two-thirds vote (82-43-4).***

**ARTICLE 26: Cochituate Rail Trail Right of Way Acquisition (Town Administrator)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, to accept a deed or deeds to the Town of fee simple, easements or other interests in any land, and to dedicate all or portions of Town owned parcels of land, necessary for the construction of the Cochituate Rail Trail project and located on Commonwealth Road (Route 30), Superior Drive, Speen Street and Worcester Street (Route 9) as shown and identified on a set of plans entitled “Massachusetts Department of Transportation Highway Division, Cochituate Rail Trail, In The City/Town of Natick and Framingham, Middlesex County, Preliminary Right Of Way” dated November 27, 2017, prepared by BETA Group, Inc., as revised or amended. Further, to see what sum of money the Town will vote to raise and appropriate, borrow or transfer from available funds, to fund said purchase or takings along with all legal and appraisal costs associated with obtaining any interests in land necessary for the construction of the Cochituate Rail Trail project;

Or otherwise act thereon.

**FINANCE COMMITTEE RECOMMENDATION**

The Finance Committee recommends the following action:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#26	March 14, 2018	No Action	10-0-0

**MOTION: (Requires a two-thirds vote)**

Moved by Ms. Salamoff, seconded by Mr. Linehan that the Town authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, fee simple, easements, or other interests in privately owned land; and to dedicate all or portions of Town owned parcels of land, necessary for the construction of the Cochituate Rail Trail, all as shown and identified on a set of plans entitled “Massachusetts Department of Transportation Highway Division, Plan and Profile of Cochituate Rail Trail, In The City/Town of Natick and Framingham, Middlesex County, Preliminary Right of Way Plan” revision #4, dated November 27, 2017, revision #7, dated April 9, 2018, as revised or amended; and that the sum of \$200,000 be raised and appropriated from the Capital Stabilization Fund, under the direction of the Board of Selectmen, to fund the acquisition and legal, appraisal, and other related costs associated with obtaining these interests in land necessary for the construction of the Cochituate Rail Trail.

Mr. Errickson, Director of Community and Economic Development spoke to this article. Mr. Griesmer moved, seconded by Ms. Collins to amend the main motion by inserting the words “to be expended” after the words “Capital Stabilization Fund”. ***The amendment passed by majority vote (by hand count). The amended main motion passed by a two-thirds vote (121-5-1).***

**ARTICLE 20: Amend By-Law Article 51: Alarm Systems (Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 51 of the Town of Natick By-laws as follows:

1. In Section 1, paragraph b:
  - a. Add the words “or vehicle” after the words “whose premises” in the first sentence; and
  - b. Delete the words “except for alarm systems on motor vehicles” at the end of the first sentence; and

- c. Add the words “or vehicle” after the words “the premises” in the second sentence; and
  - d. Add the words “or vehicle” after the words “the premises” in the third sentence”;
- so that Section 1, paragraph b shall read:

“The term "Alarm User" or "User" means any person on whose premises or vehicle an alarm system is maintained within the town. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises or vehicle in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises or vehicle, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.”; and

- 2. Replace Section 1, paragraph g with the word “deleted”; and
- 3. In Section 6, paragraph a:
  - a. Add the words “, with the exception of motor vehicle alarm users,” after the first words “Every alarm user” in the first sentence; and
  - b. Add the word “, addresses,” after the word “names” and before the words “telephone numbers” in the first sentence;

so that Section 6, paragraph a shall read:

“Every alarm user, with the exception of motor vehicle alarm users, shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names, addresses, and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.”; and
- 4. Replace Section 6, paragraph b with the word “deleted”; and
- 5. In Section 7, delete the first and last sentences, so that Section 7 shall read:
 

“Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department.”;

or otherwise act thereon.

**FINANCE COMMITTEE RECOMMENDATION**

The Finance Committee recommends the following action:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#20	February 15, 2018	Favorable Action	10-0-0

**MOTION: (Requires a majority vote)**

Moved by Mr. Evans, seconded by Mr. Hayes to amend Article 51 of the Town of Natick By-laws as follows:

- 6. In Section 1, paragraph b:
  - a. Add the words “or vehicle” after the words “whose premises” in the first sentence; and
  - b. Delete the words “except for alarm systems on motor vehicles” at the end of the first sentence; and
  - c. Add the words “or vehicle” after the words “the premises” in the second sentence; and
  - d. Add the words “or vehicle” after the words “the premises” in the third sentence”;
- 7. Replace Section 1, paragraph g with the word “deleted”; and
- 8. In Section 6, paragraph a:
  - a. Add the words “, with the exception of motor vehicle alarm users,” after the first words “Every alarm user” in the first sentence; and
  - b. Add the word “, addresses,” after the word “names” and before the words “telephone numbers” in the first sentence; and
- 9. Replace Section 6, paragraph b with the word “deleted”; and
- 10. In Section 7, delete the first and last sentences.

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. ***The main motion under Article 51 passed by majority vote (118-1-0).***

**ARTICLE 21: Amend By-law Article 72: Building Regulations  
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 72 of the Town of Natick By-laws as follows:

1. Change the title of Section 5 to “Height Requirements at Intersections, including Driveways”; and
2. In the first paragraph of Section 5, replace the word “streets” with the words “public ways”; and
3. Add the sentence “No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.” as the second paragraph of Section 5;

so that Section 5 shall read:

“Section 5 Height Requirements at Intersections, including Driveways

In any lot which abuts an intersection of two or more public ways, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.”;

or otherwise act thereon.

**FINANCE COMMITTEE RECOMMENDATION:**

The Finance Committee recommends the following action:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#21	February 15 & March 6, 2018	No Recommendation	---

**MOTION: (Requires a majority vote)**

Moved by Mr. Sidney, seconded by Mr. Grady that the subject matter of Article 21 be referred to the Safety Committee.

*The motion to refer the subject matter of Article 21 to the Safety Committee passed by majority vote (113-3-1).*

**ARTICLE 22: Amend By-law Article 76: Regulations regarding Historically Significant Buildings, etc. (Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 76 of the Town of Natick By-laws as follows:

1. In Section 2, sub-section F:
  - a. After the words “which is” in the first sentence, delete the word “(1)” and insert the words “in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is”; and
  - b. Add the word “it” after the word “(2) in the first sentence;
 so that Section 2, sub-section F shall read:

“Historically Significant Building or Structure: Any regulated building or structure which is in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) it is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.”; and

2. Add a new sub-section H to Section 2:
 

“Preferably Preserved: Any Historically Significant Building or Structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished, altered or relocated. A Preferably Preserved Building or Structure is subject to the six-month demolition delay period of this by-law.”; and

3. In Section 3, sub-section B, delete the sentence “Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.”; or otherwise act thereon.

**FINANCE COMMITTEE RECOMMENDATION**

The Finance Committee recommends the following action:

ARTICLE #22	DATE VOTED	MOTION	QUANTUM OF VOTE
	February 15, 2018	Favorable Action	8-1-1

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. *The main motion under Article 22 passed by majority vote (113-1-0).*

Mr. Sidney moved, seconded by Mr. Griesmer to adjourn. *The motion to adjourn passed by majority vote. The meeting adjourned at 10:10 PM until Thursday, May 3, 2018 at 7:30 PM.*

A record of the Fifth Session of  
2018 Spring Annual Town Meeting  
May 1, 2018



Diane Packer, Town Clerk