

Town of Natick

2018 Fall Annual Town Meeting



Supplement #1 to the Recommendations of the Natick Finance Committee

October 16, 2018 – Natick High School – Natick, MA

(Inside Front Cover)

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**Finance Committee
Town of Natick, Massachusetts
October 5, 2018**

2018 Fall Annual Town Meeting

October 11, 2018

Greetings to all Town Meeting Members and Citizens of Natick,

This report – Supplement #1 - contains the remaining Natick Finance Committee recommendations for the remainder of the articles appearing on the warrant for 2018 Fall Annual Town Meeting and not previously provided for in the initial Recommendation Book.

Under the Town’s Charter and By-Laws, the Finance Committee is required to “consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article” (Natick By-Laws, Chapter 23, Section 4).

In accordance with the Town of Natick By-Laws, Supplement #1 and recommendations are respectfully submitted for your consideration and together with the initial 2018 FATM Recommendation Book meet the requirements of Natick By-Laws, Chapter 23, Section 4.

Finance Committee met on October 9 where all remaining articles were taken up. The Finance Committee has now completed due consideration of all matters of business within the articles of the 2018 Fall Annual Town Meeting Warrant. To assist in providing guidance as to which book (Initial or Supplement) contains the article information and the Finance Committee recommendation, there is a two-page sheet listing all articles, with the associated recommendation, the date of the recommendation, the Finance Committee vote and which book the article is printed in. The listing is located at the front of Supplement #1, right behind this letter.

A few notes for guidance:

- Articles 21-24, were taken up at Special Town Meeting #2, as Articles 1-4, respectively. STM #2 took positive action on each of these four articles prior to STM #2 dissolving. Each of the four articles has a page in this Supplement #1 Recommendation Book, but since the article language doesn’t allow for rescinding or amending a prior Town Meeting vote no action can be taken under 2018 FATM on Articles 21-24.

- Articles 26, 36, 37 and 39 had been purposefully left out of the initial Recommendation Book. This was done due to the timing of completing the Finance Committee’s write-up for each of these articles versus the need to get the Recommendation Book in the mail and in the hands of Town Meeting members. These four articles are in Supplement #1
- Articles 28, 31, 32, 38, 40 and 42 were omitted from the initial book since Finance Committee had not completed the Public Hearing on each of these articles. The Public Hearings have been completed, as previously mentioned and these six articles are in Supplement #1
- A chart for the West Natick Fire Station project – Article 15 – which was included in the first Recommendation Book has been updated to reflect a more recent and accurate depiction of the Tax Impact for the Debt Exclusion, and is provided in the Appendix
- The Cochituate Rail Trail presentation, under Article 10, was also, unfortunately, left out of the initial Recommendation Book due to formatting and insertion challenges. It is now provided in the Appendix in this Supplement #1.

We would again, like to express our thanks and appreciation for all of the hard work and dedication contributed by all of the Town officials, members of boards, committees and departments, citizen petition sponsors, as well as many concerned citizens, for their cooperation, participation, and openness during our public hearings.

Information relating to the Finance Committee may be found on the Town’s public website, at <http://www.natickma.gov/finance-committee>. Any questions or comments about the Finance Committee may also be submitted to us via: fincomchair@natickma.org.

Respectfully Submitted,

Patrick Hayes- Chairman	Cathi Collins – Vice Chair	Bruce Evans – Secretary
David Coffey	Dirk Coburn	Jeff Deluca
David Gallo	Michael Linehan	Bob McCauley
Phil Rooney	Jim Scurlock	Dan Sullivan
Lynn Tinney	Kristine Van Amsterdam	Linda Wollschlager

Article Title	Article #	Article to Book		Final Recommendation	Appropriation \$	Proposed Funding Source	Finance Committee
		Article #	Cross-Reference				
Fiscal 2019 Omnibus Budget	1		Initial Book	A: Favorable Action B: Favorable Action C: Favorable Action D: Favorable Action	A: \$272,935 B: -\$1,694,125 C: -\$60,000 D: \$3,011	A: Tax Levy B: Tax Levy C: Water & Sewer User Fees D: Tax Levy	A: 9-0-0 B: 9-0-0 C: 9-0-0 D: 9-0-0
Stabilization Fund	2		Initial Book	Favorable Action	\$300,000	Free Cash	12-0-0
Operational/Rainy Day Stabilization Fund	3		Initial Book	Favorable Action	\$500,000	Free Cash	12-0-0
Capital Stabilization Fund	4		Initial Book	Favorable Action	\$1,409,678	Free Cash	12-0-0
Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds	5		Initial Book	A: Favorable Action	\$272,500	Free Cash	9-0-0
Appropriate Funds for the Family of Michael McDaniel Jr.	6		Initial Book	Favorable Action	\$36,622.20	Free Cash	12-0-0
Transfer of Unexpended Bond Proceeds	7		Initial Book	A: Favorable Action B: Favorable Action	A: \$500,000 B: \$667,000	Unexpended Bond Proceeds	A: 9-0-0 B: 9-0-0
Collective Bargaining	8		Initial Book	No Action	--	--	13-0-0
Personnel Board Classification and Pay Plan	9		Initial Book	No Action	--	--	9-0-0
Committee Article	10		Initial Book	Favorable Action	--	--	12-0-0
Rescind Authorized, Unissued Debt	11		Initial Book	No Action	--	--	9-0-0
Unpaid Bills	12		Initial Book	No Action	--	--	9-0-0
Capital Equipment	13		Initial Book	A: Favorable Action B: Favorable Action C: Favorable Action	A: \$775,000 B: \$1,028,950 C: \$80,000	A: Tax Levy Borrowing B: Capital Stabilization Fund C: Water & Sewer Borrowing	A: 12-0-0 B: 12-0-0 C: 12-0-0
Capital Improvements	14		Initial Book	A: Favorable Action B: Favorable Action C: Favorable Action D: Favorable Action	A: \$1,945,000 B: \$150,000 C: \$20,500 D: \$150,000	A: Capital Stabilization Fund B: Water & Sewer Borrowing C: W&S Retained Earnings D: I&I Stabilization Fund	A: 12-0-0 B: 12-0-0 C: 12-0-0 D: 12-0-0
West Natick Fire Station Appropriation of Funding	15		Initial Book	Favorable Action	\$15,600,000	Debt Exclusion Borrowing	12-0-0
West Natick Fire Station Land Disposition	16		Initial Book	Favorable Action	\$1,000	Free Cash	9-0-0
Change Authority for Acquisition of 22 Pleasant Street Among Other Items	17		Initial Book	Referral to Sponsor & PB	--	--	14-0-0
Appropriate Funds for the Design and Development of Route 27 North Main Street	18		Initial Book	Favorable Action	\$2,000,000	Tax Levy Borrowing	9-0-0
Capital Equipment (Schools)	19		Initial Book	No Action	--	--	10-0-0
Legal Settlement	20		Initial Book	Favorable Action	\$350,000	Free Cash	8-0-1
Excise Tax on Retail Sales of Marijuana for Adult Use	21		Supplement #1	Favorable Action	--	--	9-0-0
Marijuana Establishments Zoning Bylaw Amendment	22		Supplement #1	A: No Recommendation B: No Recommendation C: No Recommendation D: No Recommendation E: No Recommendation F: No Recommendation	--	--	--
Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws	23		Supplement #1	Favorable Action	--	--	9-0-0
Amend Town of Natick By-law Article 10: Board of Selectmen	24		Supplement #1	Favorable Action	--	--	8-0-1
Amend Agreement with the South Middlesex Regional Vocational School District	25		Initial Book	No Action	--	--	12-0-0
Supplement Prior Town Meeting Vote Authorizing Acquisition and Preservation of the Sawin House and Adjacent Property at 79 South Street, Assessors Map 77 Lot 7	26		Supplement #1	Favorable Action			12-0-0
Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG	27		Initial Book	Referral to Sponsor & PB	--	--	13-0-0

Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit	28	Supplement #1	A: Favorable Action B: Favorable Action C: Favorable Action	--	--	A: 12-0-0 B: 12-0-0 C: 12-0-0
Amend Article 2 of the Town of Natick Home Rule Charter	29	Initial Book	No Recommendation	--	--	--
Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan	30	Initial Book	Referral to Sponsor & PB	--	--	13-0-0
Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street	31	Supplement #1	Referral to Selectmen	--	--	12-0-0
Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements	32	Supplement #1	A: Favorable Action B: No Recommendation C: No Recommendation D: Favorable Action	--	--	A: 9-2-1 B: -- C: -- D: 8-2-1
Establish Study Committee: 1.5% Test of Land Use	33	Initial Book	Favorable Action	\$4,000	Reserve Fund Transfer	10-0-1
Amend Historic Preservation Zoning By-Law	34	Initial Book	Favorable Action	--	--	12-0-1
Voting Requires Being Legal Resident of Massachusetts and this Municipality	35	Initial Book	No Recommendation	--	--	9-0-0
Amend Zoning By-Laws: Outdoor Lighting	36	Supplement #1	Favorable Action	--	--	12-0-0
Amend Zoning By-Laws: Signage (Residential Zoning Districts)	37	Supplement #1	Favorable Action	--	--	12-0-0
Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23 copy	38	Supplement #1	Referral to Sponsor	--	--	12-0-0
Amend Natick Town Charter: Natick By-laws, Natick Zoning By-laws: Appointment and constitution of zoning board of appeals, division and distribution of powers, and assignment of counsel.	39	Initial Book	Referral to Board of Selectmen	--	--	11-0-0
Amend the Town of Natick By-Laws: Create New Committee	40	Supplement #1	No Recommendation	--	--	--
Snow Removal ByLaw	41	Initial Book	No Recommendation	--	--	--
Technical Changes to Charter and By-Laws	42	Supplement #1	No Action	--	--	12-0-0

ARTICLE 21
Excise Tax on Retail Sales of Marijuana for Adult Use
(Board of Selectmen)

Article 21 for the 2018 FATM and Article 1 for the STM #2 were heard concurrently and though the motions were voted separately the content for Article 21 was the same article language, motion, Finance Committee discussion and commentary as was Article 1 (STM #2) and provided in the STM #2 Recommendation Book. STM #2 took positive action on this article already and the scope of this article doesn't allow for rescinding or amending a prior Town Meeting action. Town Meeting members can refer to the STM #2 Recommendation Book for the information on Article 1 (Article 21 for FATM) for reference purposes.

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ARTICLE 22
Marijuana Establishments Zoning Bylaw Amendment
(Planning Board)

Article 22 for the 2018 FATM and Article 2 for the STM #2 were heard concurrently and though the motions were voted separately the content for Article 22 was the same article language, motion, Finance Committee discussion and commentary as was Article 2 (STM #2) and provided in the STM #2 Recommendation Book. STM #2 took positive action on this article already and the scope of this article doesn't allow for rescinding or amending a prior Town Meeting action. Town Meeting members can refer to the STM #2 Recommendation Book for the information on Article 2 (Article 22 for FATM) for reference purposes.

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ARTICLE 23

**Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws
(Town Administrator)**

Article 23 for the 2018 FATM and Article 3 for the STM #2 were heard concurrently and though the motions were voted separately the content for Article 23 was the same article language, motion, Finance Committee discussion and commentary as was Article 3 (STM #2) and provided in the STM #2 Recommendation Book. STM #2 took positive action on this article already and the scope of this article doesn't allow for rescinding or amending a prior Town Meeting action. Town Meeting members can refer to the STM #2 Recommendation Book for the information on Article 3 (Article 23 for FATM) for reference purposes.

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ARTICLE 24
Amend Town of Natick By-law Article 10: Board of Selectmen
(Board of Selectmen)

Article 24 for the 2018 FATM and Article 4 for the STM #2 were heard concurrently and though the motions were voted separately the content for Article 24 was the same article language, motion, Finance Committee discussion and commentary as was Article 4 (STM #2) and provided in the STM #2 Recommendation Book. STM #2 took positive action on this article already and the scope of this article doesn't allow for rescinding or amending a prior Town Meeting action. Town Meeting members can refer to the STM #2 Recommendation Book for the information on Article 4 (Article 24 for FATM) for reference purposes.

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ARTICLE 26

Supplement Prior Town Meeting Vote authorizing Acquisition and Preservation of the Sawin House and Adjacent Property at 79 South Street, Assessors Map 77 Lot 7. (Board of Selectmen)

ARTICLE LANGUAGE:

To see if the Town will vote, supplementing the vote of the 2017 Fall Annual Town Meeting under Article 28, to authorize the Board of Selectmen to acquire easements over adjoining property, including without limitation property owned by the Massachusetts Audubon Society, Inc., for purposes to use of the former Sawin House Property at 79 South Street, Natick, shown on Town Assessor’s Map 77, Lot 7, including vehicular and pedestrian access and egress, use of a septic system, vehicle parking, maintenance or removal of trees, and drawing water from a well; or otherwise act thereon.

PURPOSE OF THE ARTICLE:

This motion seeks an additional \$5,000, to supplement the \$25,000 voted at the 2017 FATM, under Article 28, to assist in the effort of acquiring this particular property via easement from this entity.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE #26	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	12-0-0

MOTION: (Requires a majority / 2/3 majority vote)

Move that the Town vote to appropriate \$5,000, from Free Cash, under the direction of the Board of Selectmen to supplement the vote of the 2017 Fall Annual Town Meeting under Article 28, to authorize the Board of Selectmen to acquire easements over adjoining property, including without limitation property owned by the Massachusetts Audubon Society, Inc., to access and use the former Sawin House Property at 79 South Street, Natick, shown on Town Assessor’s Map 77, Lot 7; including vehicular and pedestrian access and egress, use of a septic system, vehicle parking, maintenance or removal of trees, and drawing water from a well and that the above amount be appropriated from free cash.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

Town Administration stated this is a subject matter that has been brought before us at Town Meeting on a few occasions. This is a building that has some historical significance to the Town of Natick. The so-called Sawin House Committee appointed by Town Meeting, along with Town Administration, has reached an agreement in principle with Mass Audubon on the house, and grounds immediately around the house.

This motion seeks an additional \$5,000 to assist in the effort of acquiring this particular property via easement from Mass Audubon. There is \$25,000 that has been appropriated by prior Town Meeting vote and with an additional \$5,000 of funding the Town Administration and Selectmen would expect to have a conclusive agreement in place in the spring of 2019.

The committee gathered additional information, asked questions and heard testimony from the Town Administration including:

- The greatest expense would be a survey of the various easements on this particular lot where it sits on South Street. Current estimates are between \$8,000 and \$15,000.
- The easements are still being worked out and still under review by Mass Audubon
- The total appropriation, if Town Meeting takes favorable action on this article will be the \$5,000 (for this article) plus the \$25,000 previously authorized. The purposes for all funding are to complete the survey(s) to acquire easements to access and use the former Sawin house property including:
 - Vehicular and pedestrian access and egress including for vehicle parking
 - For use of septic system,
 - To support maintenance and removal of trees
 - Drawing water from a well

-END OF ARTICLE-

ARTICLE 28
Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses in
Industrial Zoning Districts by Special Permit
(George Richards et al)

ARTICLE LANGUAGE:

To see what action(s) the town will take to amend the Zoning By Law to allow Indoor Amusement or Recreational Uses (Use # 12 in Section III-A.2 of the Zoning By-Law) by special permit in some or all of the existing Industrial zoning districts, including but not limited to the following:

- 1) Whether to limit Use #12 by special permit to Industrial I and II zoning districts or only allow the use by special permit only in Industrial I zoning districts and/or
- 2) Whether to allow Use #12 by special permit to only one specific Industrial I zoned area, namely in the so-called “East Natick Industrial Park” on the east side of Oak Street , specifically including the following parcels (and including any further subdivision of these parcels) as identified on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C, whether by limiting the floor area ratio of the recreational use, by way of creating a new Industrial zone, creating an overlay district, by footnote in the Use Regulation Schedule, and/or allowing the use elsewhere in the Zoning By-Law

or otherwise act thereon.

PURPOSE OF THE ARTICLE:

This article seeks to “legitimize”, through the use of Special Permits, the many recreational uses already located in industrial zones, specifically those recreational uses currently located in the East Natick Industrial Park. By allowing these uses, the Town will enable additional recreational uses and benefits for the tenants and owners of property located in Industrial zones, as well to others in town who use these recreational businesses.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action for Motion A:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#28A	October 9, 2018	Favorable Action	12-0-0

MOTION A: (Requires a 2/3 majority vote)

Move to amend the Town of Natick Zoning By Laws

by inserting in SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS a new overlay district as follows:

“Indoor Recreational Overlay District (IROD)”

and

following Section III-K.2 – Adult Use Marijuana Establishments by inserting a new section, Section III-L – Indoor Recreational Overlay District, as follows:

“Section III-L – Indoor Recreational Overlay District

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit.
2. **Procedure & Standards.** The SPGA may allow such uses by grant of a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A and the Special Permit and Site Plan Review sections of this by-law and provided the SPGA finds that:
 - a. The building is so insulated and maintained so as to confine noise to the premises; and
 - b. The building is located not less than one hundred feet from a residential district; and
 - c. The indoor amusement and/or recreational uses shall be limited to a FAR of .10.

The Finance Committee recommends the following action for Motion B:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#28B	October 9, 2018	Favorable Action	12-0-0

Motion B: (Requires two-thirds vote)

Move to amend the Town of Natick Zoning By Laws

by inserting in the list in Section VI-DD 2.A Special Permits a) after the words “Retail Marijuana Overlay (RMo) ” the following words: “Indoor Recreational Overlay District (IROD)”

and further by inserting in the list in Section VI-DD-2B. Site Plan Review Applicability and SPGA Designation a) after the words “Retail Marijuana Overlay (RMo)” the following words: “Indoor Recreational Overlay District (IROD)”

The Finance Committee recommends the following action for Motion C:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#28C	October 9, 2018	Favorable Action	12-0-0

Motion C: (Requires two-thirds vote)

Move to amend the Town of Natick Zoning Map by including in an Indoor Recreational Overlay District the land known as East Natick Industrial Park and being the lots shown Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The Finance Committee held two public hearings for Article 28 in September and October, 2018. The sponsor of the article provided an overview of the proposed motions and of the intent of the prospective property and business owner.

This article is designed to create an indoor recreation overlay district with the same standards that are in the bylaw now in that 1) the building must be insulated and designed to contain noise and 2) the building had to be not less than 100 feet from a residential district.

The planning board has expressed concern that the indoor recreation use would consume most of this 4.5 acre property and jeopardize the rest of the property from being used for a potential biotech or other industrial usage.

There are two changes to the motions from the motions that were filed for the STM #1 and SATM warrants:

1. Sponsor took out any reference to the industrial zone, so it's an overlay district that can be applied anywhere. This article is seeking to apply it on an industrial zone parcel, but it could be used elsewhere.
2. Acquiesced to the request to the limit of .10 FAR of the building for indoor recreational use.
 - In this particular case, business owner is looking to construct a volleyball facility and the .10 FAR works. He wants to build a 120' x 90' building, or 13,000 ft.².
 - However, the business owner is considering putting on the second floor which would increase the FAR ratio that might put him over the .10 FAR ratio.
 - The sponsor has an expressed concern about the FAR limit since the existing buildings up there are over .10 FAR.
 - However, most of those properties were approved on variance, so are not subject to this requirement since they are still operating under this variance.
 - The planning board wanted to allow other industrial uses to allow for mixed use sites and not have the recreational use overburden the industrial use and take it away from potential future industrial use.

Information gathered for the 2018 FATM includes the following:

- The sponsor stipulated that the Planning Board voted to support a favorable recommendation on the motion submitted to the Finance Committee.
 - This motion doesn't incorporate an asterisk in the Use Table, as was the case in the SATM and STM #1 motions
 - The asterisk approach was specific to that single property and not extensible to other properties.

- The general consensus of the Planning Board and others is that this area is a good place for this type of use especially in light of the number of existing businesses with similar “recreational and entertainment” uses already up there.
- The proposed motion limits a “Recreational” Floor Area Ratio per lot of 0.10
 - The sponsor notes that it’s believed that many of the exiting recreational type businesses in this Industrial Zone are above the 0.10 FAR limit

It should also be noted that Finance Committee heard a very similar article as part of the 2018 Special Town Meeting #1 on both February 1 and 8, 2018 and then on February 13, 2018 as part of the Spring Annual Town Meeting. For both the STM #1 and the SATM the Finance Committee recommended Favorable Action. For both the 2018 STM #1 and the 2018 SATM, those Town Meetings referred the subject-matter back to the Sponsor and Planning Board.

The following information was provided during prior Finance Committee Hearings in February 2018 and is provided again for background and context.

The location of the property under consideration for this article is in the Tech Circle and Michigan Drive area, often referred to as the East Natick Industrial Park.

- The sponsor testified that Recreational Uses (Use 12) are allowed in Commercial II (CII), by special permit as well as in the Downtown Mixed Use (DMU) but it is not allowed in Industrial-I or Industrial-II.
- It was identified by the sponsor that there are a number of recreational facilities in that area even though they are not permitted by the Town of Natick Zoning By-Laws, Use 12 – Recreational Uses, in the use table
 - Recreational facilities that are up there now: Longfellow Health Club @ 203 Oak, Longfellow Tennis @ 16 Michigan, Crossfit New England @ 15 Tech Circle, Frozen Ropes 14 Tech Circle, Prime Time Lacrosse at 580 Michigan, Cross Court Squash @ 19 Tech across the street at Huron Ave. There’s also a Yoga Studio.
- Prior to 2013 certain business and property owners obtained use variances from the Zoning Board of Appeals for some of the businesses operating there now
 - Based on the sponsor’s testimony to the committee, in 2013, Town Counsel provided an opinion that Natick’s zoning by-laws do not permit use variances; by statute they have to be specifically authorized in the zoning by-law
 - From the perspective of the article sponsor, many of the recreational business are under use variances that may be questionable if we never had the authority to issue them even though Town Counsel opined that they wouldn’t be affected by his opinion.
- The sponsor’s intent with this article’s proposed motion, for this specific zoning District, is to allow those uses both now and in the future
 - The proposed motion would make this use allowable by special permit an owner would have to go through site plan review and special permit processes with the Planning Board.

- The sponsor opted to keep his proposal to just the so-called East Natick Industrial Park area rather than propose changes to the Industrial district zoning regulations throughout Natick based on two general beliefs:
 - First, the predominant number of recreational use business are already in this area as opposed to other areas in Natick
 - In discussions with the Community Development Director and others in the community, the sponsor believes the Mercer Road / Strathmore area is being viewed as more of an incubator for biotech, light manufacturing, and research and development and that perhaps recreational facilities are not the best use for that area.

During the Finance Committee public hearing members asked questions and gathered information including:

- What does the .10 FAR limitation means in an industrial zone.
 - FAR is traditionally applied to permitted lot size. In this case, industrial zones do not have FAR limitations. These typical limitations in an industrial zone are intensity regulations – building coverage, setbacks, etc. as to how intense the construction is permitted on that property. The remaining .90 FAR is not completely available for industrial use because of these intensity regulations.
- It was asked for confirmation that if the indoor recreational use was .10 FAR, the industrial use on that site would be limited to an additional .25 FAR, for a total of .35 FAR of building coverage
 - The sponsor concurred.
- Does the ZBL places limits on what is consider “recreational use”.
 - It’s up to the Building Inspector to determine whether a recreational use complies with the ZBL. If one looks in the Use Regulation Table it’s not directly defined.
- Whether the change of use to allow Recreational Use inside the Industrial zone would increase, decrease or maintain potential employee headcounts for businesses operating such a recreational use operation as compared to a light industrial use.
 - No estimates were provided to support analysis of employment conditions
- When it says “indoor amusement” what is the definition of that?
 - Sponsor: It could be an amusement park, a racecar track, an arcade
- You would still need a special permit?
 - Sponsor: Yes, the SPGA would have to find that the premises are insulated o manage the noise, in addition they would have to be 100 feet from residential abutters, which is a much greater buffer than exists in the industrial zone. This is more protective of the residential side.
- There are other recreational uses going on in the other industrial areas – are those there by a use variance?
 - Sponsor: The other Industrial 1 zones in town are the Natick Business Park, Strathmore and Mercer Road and also the Hoop District in the industrial area off of Willow Street off of 27. There is a Little Flipper Swim School, which is permitted as a school, which is allowed in the

Industrial Zoning District, and there's a Planet Gymnastics and I'm not sure how that is permitted. LA Fitness on Dean Road – I'm not sure how that was permitted.

- How is this equal protection of property owners to have this to apply to just one limited place in town? Why here and no other places?
 - Sponsor: There is nothing prohibiting this use being allowed elsewhere but at this time the predominant recreational uses in this town are in this area so it was decided we'd focus on this area now.
- If this were to pass and a permit for particular lot was given, would there be a parking limit on the property?
 - Sponsor: It's a 4.5-acre parcel and there certainly is plenty of room for parking. There would be a review of the site plan and the applicant would have meet parking requirements to the site plan to receive the permit.
- If this were granted and 10 years from now someone tried to change this business and needed different parking would that trigger a new site plan review?
 - Sponsor: If they were going to propose a new site plan they would have to apply for modification of the special permit.
- Is there a building on the site?
 - Sponsor: No. The article seeks a change in zoning to allow a building that would accommodate 3 volleyball courts on sand. The space could be used for "beach" type activities but not a size larger than 3 volleyball courts.

It should be noted that the Finance Committee recognizes that though the zoning change proposed is to support a specific business plan under the Recreational Use category (A Volleyball Club) any indoor recreational use could be located in any of the parcels under the proposed zoning change

Below is a map view of the area under consideration for the proposed Zoning change. This map is for reference purposes only.

ARTICLE 31
Actions Pertaining to Acquisition and Preservation of the Town’s Easements on
Mechanic Street
(Board of Selectmen)

ARTICLE LANGUAGE:

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, any interest, whether by easements or otherwise, in all or part of Mechanic Street for any of the following: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities or other purposes that Town Meeting may authorize, and, further, to authorize the Board of Selectmen to acquire, by easements or otherwise, interests in any of the parcels which abut Mechanic Street for the purposes of this article; and further, to see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for the purposes of this article; or otherwise act thereon.

PURPOSE OF THE ARTICLE:

Acquire easements to allow the public access over Mechanic Street.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

	DATE VOTED	MOTION	QUANTUM OF VOTE
ARTICLE #31	October 9, 2018	Referral to Board of Selectmen	12-0-0

MOTION: (Requires a majority vote)

Move Referral of the subject matter of Article 31 to the Board of Selectmen.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The subject-matter of this article is still in Executive Session with the Board of Selectmen. The Finance Committee moved “Referral to the Selectmen”.

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ARTICLE 32
Amend Natick Zoning By-Laws: Inclusionary Affordable Housing
Requirements
(Planning Board)

ARTICLE LANGUAGE:

To see if the Town will vote to amend the Natick Zoning Bylaws with regard to promoting Affordability in the town's housing stock and enabling and permitting the construction or development of Affordable Housing, as provided for in MGL c. 40B and defined in 760 CMR 56, by:

- Amend, modify, or add to Section 200 – Definitions, including without limitation defining any aspect of the provision(s) of affordable housing, affordable housing requirements, and/or provisions for housing that meets the Commonwealth's standards for inclusion on the Town's Subsidized Housing Inventory (SHI) (as defined in 760 CMR 56); and
- Replace, eliminate, or modify the following sections (including without limitations subsections and/or footnotes) within the Natick Zoning Bylaw that relate to minimum affordable housing requirements, affordability requirements, affordable housing provisions, and/or other affordable provisions/requirements (whether local or related to the Commonwealth's requirements for inclusion in the Subsidized Housing Inventory):
 - Section III-A.2 - Use Regulations Schedule
 - Section III-A.6.A - Inclusionary Housing Option Program (IHOP)
 - Section III-A.6.B – Housing Overlay Option Plan (HOOP)
 - Section III-D – Use Regulations for LC Districts
 - Section III.E – Downtown Mixed Use District
 - Section III-F – Cluster Development Allowed in Certain Districts:
 - 1.F – Town House Cluster Development
 - 2.F – Single-Family Town House Cluster Development
 - 3.F – Single-family Town House Cluster Development (RSC District)
 - 4.F – Cluster Development – AP and PCD Districts
 - 5.F – Comprehensive Cluster Development Option
 - Section III-I.1 – Assisted Living Residences
 - Section III-I.2 – Independent Senior Living Overlay Option Plan (ISLOOP)
 - Section III-J – Historic Preservation
 - Section 320 – Highway Overlay Districts

with a new Section V-J – Inclusionary Affordable Housing Requirements, which address the following topics:

- Purpose and Intent to encourage the development of affordable housing
- Applicability of mandatory provisions of affordable units

- Affordable housing unit requirements (on site and off site)
- Special permit requirements
- Fees-in-lieu of affordable unit requirements
- Density Bonus
- Maximum income and sell price provisions
- Preservation of affordability and restrictions on resale of units;

or otherwise act thereon.

PURPOSE OF THE ARTICLE:

To promote the construction of affordable housing through a comprehensive inclusionary housing zoning by-law amendment that will preserve and enhance the affordability of Natick’s housing stock.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action on Motion A:

ARTICLE #32	DATE VOTED	MOTION	QUANTUM OF VOTE
Motion A	October 9	Favorable Action	9-2-1

Note: Two motions were offered- Favorable Action (9-2-1) and Referral to the Planning Board (4-7-1). Favorable Action received the eight (8) vote majority required.

MOTION A: (Requires a 2/3 majority vote)

MOVE to amend Section 200 - DEFINITIONS of the Natick Zoning Bylaws replacing the existing definition of ‘Affordable Housing Units’ with the following:

“Affordable Dwelling Units: Dwelling units which meet all the requirements of Affordable Housing. Affordable rental units shall be priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household earning 70% of Median Income.”

and by inserting new definitions for ‘Buildable Land’, ‘Eligible Household’, ‘Fee-in-lieu-of Units’, ‘Initial Rent of an Affordable Dwelling Unit’, ‘Initial Sales Price of an Affordable Dwelling Unit’, ‘Median Income’, ‘Phased or Segmented Housing Development’, ‘Residential Project’, ‘Residential Project (2-5 units)’, ‘Residential Project (6 or more units)’ and ‘Total Development Cost’ as follows:

“Buildable Land: A parcel or parcels of property for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw. “

“Eligible Household: For affordable rental units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. For affordable ownership units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. “

“Fee-in-lieu-of units: The fee paid to the Natick Affordable Housing Trust in lieu of the construction or provision of affordable units in Residential Projects with two (2) to five (5) dwelling units, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project. “

“Initial Rent of an Affordable Dwelling Unit: The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income. “

“ Initial Sales Price of an Affordable Dwelling Unit: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income. “

“ Median Income: The income set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income

standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development. “

“Phased or Segmented Housing Development: A Residential Project containing dwellings on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Housing Project. “

“Residential Project: Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick’s Inclusionary Zoning Bylaw. This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C. “

“Residential Project (2-5 units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with two (2), three (3), four (4) or five (5) dwelling units. This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C.“

“Residential Project (6 or more units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with six (6) or more dwelling units. This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C. “

“Total Development Cost: The sum of all costs for site acquisition, relocation, design, engineering, environmental testing and remediation, demolition, construction and equipment, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this bylaw.”

“Unregulated Dwelling Units: Dwelling units that do not meet all the requirements of Affordable Housing, either for rental or homeownership.”

The Finance Committee recommends the following action on Motion B:

ARTICLE #32	DATE VOTED	MOTION	QUANTUM OF VOTE
Motion B	October 9	No Recommendation	--

Note: A single motion was offered- Favorable Action (7-4-1) however, the motion failed to receive the eight (8) vote majority required as the quantum of vote

representing the majority of the fifteen (15) appointed members of the Finance Committee.

MOTION B: (Requires a 2/3 majority vote)

No Recommendation

The Finance Committee recommends the following action on Motion C:

ARTICLE #32	DATE VOTED	MOTION	QUANTUM OF VOTE
Motion C	October 9	No Recommendation	--

Note: A single motion was offered- Favorable Action (4-5-3) however, the motion failed to receive the eight (8) vote majority required as the quantum of vote representing the majority of the fifteen (15) appointed members of the Finance Committee.

MOTION C: (Requires a 2/3 majority vote)

No Recommendation

The Finance Committee recommends the following action on Motion D:

ARTICLE #32	DATE VOTED	MOTION	QUANTUM OF VOTE
Motion D	October 9	Favorable Action	8-2-2

MOTION D: (Requires a 2/3 majority vote)

MOVE to amend the Natick Zoning Bylaws by inserting a new section entitled “Section V-J. Inclusionary Affordable Housing Requirements” after “Section V-I. Outdoor Lighting”, so that Section V now reads:

“SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

V-J.1 Purpose and Intent:

The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-23 and 760 CMR 56 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth’s Department of Housing and Community Development (DHCD). Definitions for Affordable Dwelling Unit and Eligible Household can be found in the Definitions Section.

V-J.2 Applicability of Mandatory Provision of Affordable Units

- A. In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-23 and 760 CMR 56:**
- 1. Any Residential Project, including Phased or Segmented Housing Developments, that results in a net increase of two (2) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and**
 - 2. Any Residential Project involving subdivision of land for development of two (2) or more dwelling units; and**
 - 3. Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services, unless a determination has been made satisfactory to the SPGA that living units of the life care facility do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).**

V-J.3 Special Permit:

The development of any Residential Project set forth in Section V-J.2 (above) shall require the grant of a Inclusionary Housing Special Permit from the designated Special Permit Granting Authority (SPGA) for the zoning district in which the Residential Project is located. If the development of a Residential Project set forth in Section V-J.2 is allowed By-Right in the zoning district in which the Project is located, the Applicant may elect to develop said Project under an Inclusionary Housing Special Permit according to the provisions of Section V-J.4.B. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special Permit shall be as defined in Section VI of the Town's zoning bylaw.

V-J.4 Mandatory Provision of Affordable Units:

A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements:

- 1. At least fifteen (15) percent of the units in a Residential Project on a division of land or multiple unit development subject to this bylaw, rounded up to the nearest whole number and exclusive of additional dwellings allowed under Section V-J.4.B, shall be established as affordable housing units in any one or combination of methods provided for below:**
 - a) constructed or rehabilitated on the locus subject to the Inclusionary Housing Special Permit (see Section V-J.5) in Residential Projects with six (6) or more net new dwelling units; or**
 - b) constructed or rehabilitated on a locus different than the one subject to the Inclusionary Housing Special Permit (see Section V-J.6) in Residential Projects with six (6) or more net new dwelling units; or**
 - c) an equivalent fee-in-lieu of units may be made (see Section V-J.7); or**
 - d) An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.**

- 2. At least twenty (20) percent of the units in a Residential Project on a division of land or multiple unit development with thirty (30) or more units in the Downtown Mixed Use district subject to this bylaw, rounded up to the nearest whole number and exclusive of additional dwellings allowed under Section V-J.4.B, shall be established as affordable housing units in any one or combination of methods provided for above in V-J.4.A.1.**
- 3. As a condition of approval for an Inclusionary Housing Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units developed under a combination of requirements described in Section V-J.4.A.1 (a) - (d) may consist of a mix of housing types, except as provided for below:**

 - a) In Residential Projects consisting entirely of single-family dwellings, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d) offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.**

- b) **In Residential Projects, including Phased and Segmented Developments, which result in a net increase of two (2) to five (5) dwelling units, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section V-J.4.A.1 requirements (c) and consistent with G. L. c. 40B sect. 20-23 and 760 CMR 56.**

Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type

<i>Residential Project, type:</i>	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
<p><i>Multi-family dwellings, or mix of single and multi-family dwellings (Projects with 6 or more units)</i></p> <p><i>Section V-J4.A.1</i></p>	<p>a) Provision of Affordable unit(s), on site</p> <p>b) Provision of Affordable unit(s), off-site</p> <p>c) Provision of fee-in-lieu of units payment</p> <p>d) Provision of buildable land</p>
<p><i>Single-family dwellings only (Projects with 6 or more units)</i></p> <p><i>Section V-J4.A.3 (a)</i></p>	<p>c) Provision of fee-in-lieu of units payment</p> <p>d) Provision of buildable land</p>
<p><i>Single family dwellings or multi-family dwellings (Projects with 2-5 units)</i></p> <p><i>Section V-J4.A.3 (b)</i></p>	<p>c) Provision of fee-in-lieu of units payment</p>

4. **As a condition for the granting of an Inclusionary Housing Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, shall ensure that affordable units are affordable in perpetuity, and shall**

ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the SPGA and the Inspector of Buildings.

- B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, or any other Residential Projects that are allowed By-Right in the zoning district underlying their location, that yield an increase of two (2) to five (5) net new dwelling units the SPGA may allow the addition of one (1) Unregulated Dwelling Unit as part of compliance with the Inclusionary Housing Special Permit process outlined in Section V-J.4.A.1. For Residential Projects consisting entirely of single or two-family homes, or that are allowed By-Right in the zoning district underlying their location, that yield an increase of six (6) or more net new dwelling units the SPGA may allow the addition of two (2) Unregulated Dwelling Units for each Affordable Dwelling Unit provided as part of compliance with the Inclusionary Housing Special Permit process outlined in Section V-J.4.A.1. The SPGA may modify minimum lot sizes and any other intensity or density regulations, except height, normally required in Section IV.B in the applicable zoning district, to a maximum increase or decrease of 35% on a cumulative basis, calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A, provided that the Floor Area Ratio of all such units in the subject Residential Project not exceed 250% of the Maximum Lot Coverage permitted in the applicable zoning district under Section IV.B. The SPGA may place conditions on the number of bedrooms and other characteristics of additional Unregulated Dwelling Units permitted as part of compliance with the provisions outlined in Section V-J.4.A.**

Example 1: An Applicant can build a Residential Project on a subdivision with five homes by-right in an RSA zone. Under V-J.4B, that Applicant could request an Inclusionary Housing Special Permit, under which they could build six homes (the original 5 units

+ 1 bonus unit) and make a payment to the Natick Affordable Housing Trust as specified in Section V.J.7. The Floor Area Ratio (FAR) of each of these six units could not exceed 0.625 (2.5 x Maximum Lot Coverage of 25% in the RSA zone).

Example 2: An Applicant can build a Residential Project on a subdivision with twenty homes by-right in an RSA zone. Under V-J.4B, that Applicant could request an Inclusionary Housing Special Permit, which would require three (3) homes designated as Affordable Dwellings, but would allow a total of twenty-six homes (20 units + 6 bonus units) to be developed on the site. The Floor Area Ratio (FAR) of each of these 26 units could not exceed 0.625. (2.5 x Maximum Lot Coverage of 25% in the RSA zone).

V-J.5 Provisions Applicable to Affordable Housing Units On- and Off-Site:

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated proportionately within the development so as not to be in less desirable locations than unregulated units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the unregulated units.**
- B. Minimum design and construction standards for affordable units. All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program. Affordable housing units shall be integrated with the rest of the development, shall be proportionately distributed in terms of unit size/type and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall contain, at a minimum, complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwaves, and access to laundry facilities.**
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:**

Market-rate Unit (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

- D. Pricing of Affordable Units.** The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall be equal the number of bedrooms in each Affordable Unit plus one (1).
- E. Local Preference.** Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered, in the following priority, to:
1. Persons who currently reside within the Town of Natick;
 2. Persons whose spouse, son, daughter, father, mother, brother, or sister currently reside in the Town of Natick;
 3. Persons who are employed by the Town of Natick or by businesses located within the Town of Natick;
- F. Marketing Plan for Affordable Units.** Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.
- G. Condominiums.** Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.
- H. Legal Review.** All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner’s agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.
- V-J.6 Provision of Affordable Housing Units Off-Site:**

- A. An applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5. B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Inclusionary Housing Special Permit review and approval process.**

V-J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units:

- A. Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost calculated as: $0.125 \times \text{Initial Sales Price of an Affordable Dwelling Unit of identical size (in terms of average number of bedrooms)}$, calculated according to the provisions of Section V-J.8, and shall be payable in full prior to issuance of a final occupancy permit. The SPGA may annually adjust the acceptable value of the fee in-lieu-of units according to maximum income levels established by the Commonwealth's Department of Housing and Community Development.**

Example 3: An Applicant proposes a Residential Project with four two-bedroom homes under an Inclusionary Housing Special Permit. Under V-J.4A.2.b, the Applicant would be required to pay a fee to the Natick Affordable Housing Trust equal to (4 dwellings x 0.125 x Initial Sales Price for an Affordable two-bedroom Dwelling Unit) as specified in Section V.J.4.A.2 (b)

- 1. The SPGA may reduce the applicable fee-in-lieu-of unit(s) charge by up to fifty percent (50%) for each dwelling in a housing development with initial rents or sale prices that are affordable to households earning 81-120% of Median Income, calculated according to standards of the Department of Housing and Community Development (DHCD), and in compliance with the household size provisions of Section V-J.5.D of this bylaw.**

2. **Schedule of fees-in-lieu-of-unit(s) payments. Fees-in-lieu-of-unit(s) payments shall be made according to the schedule set forth in Section V-J.5.C, above.**

V-J.8 Maximum Incomes and Selling Prices: Initial Sale:

- A. **To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.**
- B. **The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), as specified in the guidelines for the Local Initiative Program, or as revised by the Town.**

V-J.9 Preservation of Affordability; Restrictions on Resale:

- A. **Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.4). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.**
 1. **Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section V-J.9.A, above.**
 2. **Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and**

Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

- 3. The SPGA shall require, as a condition for Inclusionary Housing Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2 above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.**

V-J.10 Conflict with Other Bylaws/Ordinances:

The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.

V-J.11 Severability:

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The Finance Committee held two public hearings on September 25 and October 9, on the subject-matter of Article 32, motions A-D. Across the two hearings, Town staff and a Planning Board representative presented the purpose and proposal for the Inclusionary Housing Requirements zoning by-laws. Additionally, the committee asked questions, gathered information, provided additional related information and heard testimony from the sponsors.

The sponsors provided the following for background. Town Meeting requested that Community & Economic Development (CED) assist the Planning Board's working group in drafting a comprehensive inclusionary zoning bylaw amendment.

- The Planning Board has discussed putting together a comprehensive inclusionary bylaw, in no small part, to foster the funding of affordable housing and trying to

avoid having dense clusters of affordable housing, rather than finding ways to diversify funding sources and geographically distribute unit creation.

- Planning Board's goal sought to spread the responsibility for creation of affordable housing and to have different types of affordable housing available, not solely in multi-family units.
- Planning Board recognized that people in need of affordable housing come in all types of sizes and many of those sizes are not best served in multi-family units.
- The inclusionary zoning working group met four times throughout the winter and the spring to come up with the language, based on the Massachusetts model statute for an inclusionary zoning bylaw.
 - The group was particularly interested in working to develop a model that encouraged development of affordable housing a few units at a time
 - The benefits are that it may be less intrusive in neighborhoods and creates more of a sense of scale commensurate with the surrounding neighborhood.
- The Planning Board held three hearings on the bylaw to date.
- The Planning Board opted not to bring this bylaw before 2018 Spring Town Meeting because it wanted to tweak the language to address compliance issues with MGL c. 40A § 6.
- Language adjustments were made and included in the motions provided to the Finance Committee on September 25 and then additional changes provided on October 9.
- Motion language has been validated with Town Counsel that these bylaw changes are compliant with MGL.

Article 32 contained four motions that work together in complementary fashion to insert inclusionary zoning into our bylaws.

- Motion A inserts definitions related to inclusionary zoning bylaw
- Motions B and C remove the language on inclusionary zoning in the existing bylaw and replaces them with,
- Motion D which is the centralized inclusionary zoning bylaw for affordable housing

The committee spent considerable time – over three hours – across the two nights of the public hearing on the subject-matter of Article 32. There were numerous questions from members and an equal number of answers from sponsors.

It would take a considerable amount of time for the Recommendation Book authors to winnow down the most salient questions/answers to a more manageable number for TM review. In part because most of the questions were substantive and material to the efficacy of the article motions. As well, the book authors are trying to push this Supplement #1 out to TM members as quickly as possible.

So, breaking from past practice and in an effort to provide as much information as possible to Town Meeting members, the Finance Committee is including a full extract of the meeting minutes for this article.

- It should be notes that the meeting minutes are from a **DRAFT** version for the September 25 meeting and from the Secretary's working notes and transcribing for the October 9 meeting.
- The Meeting Minutes editor has not finished the proof-reading, spell check, grammar and context reviews. So, the reading might be a little rough.

The Meeting Minutes begin on the next page.

Finance Committee Meeting Minutes
Article 32 –Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements

September 25, 2018 Meeting Minutes – Extract

Sponsors/Presenters:

- Mr. Ted Fields, CED
- Ms. Terri Evans, Member, Planning Board

Questions from Members/Answers from Sponsors

Mr. Hayes asked if the Planning Board discussed this article and took a vote.

Ms. Evans answered that they reviewed the article with the changes before you tonight with a vote of 5 – 0 – 0.

Mr. Coburn asked what, other than compliance with state inclusionary zoning laws, is included in these definition of affordable dwelling units. Mr. Fields said the definition of affordable dwelling units at the 70% standard to preserve affordability was adopted, based on the standard promulgated by DHCD.

Ms. Evans noted that there are some specific definitions that are not included that were part of the Smart Growth overlay project (the Modera project) that was a 40R project. Those were mandated by the state, so there are some embedded definitions in that section of the zoning bylaws that are unique to that section and required by the state to exist as standalone items.

Mr. Coburn asked if through passage of the inclusionary bylaw would enable us to access particular sources or grants to foster creation of affordable dwelling units. Mr. Fields said that adoption of the inclusionary bylaw doesn't get additional funding per se, but it may improve the position of the town to obtain grant funding from the state should it become available.

Ms. van Amsterdam: Can the inclusionary zoning bylaw be used by an elderly couple who have almost fallen to the poverty level who were approached by a relative and urged to increase the size of their home, such that the elderly couple could live in an in-law apartment with the relative in the rest of the house. And, where there is a couple that needed assistance, had a relative who meets the eligibility requirements for affordable housing to live in an apartment. Mr Fields said that it depends on the homeowner's situation. Did you discuss this scenario and was inclusionary zoning helpful. Mr. Fields said it depends on the exact situation of the homeowner: if they have a house and want to carve out a small unit within the footprint of that house, that would not trigger inclusionary housing because it would only be a net addition of one unit. If they had a vacant lot and they wanted to develop a two-family house on that property, if that was allowed by zoning in that district, that is allowed by right and they could apply for an inclusionary housing special permit if they wished. If they needed a special permit to develop those two units, the inclusionary special permit would automatically kick in and they would have to pay a fee to the affordable housing trust fund. Ms. Evans added that, in the

current bylaws, there has to be a familial relationship between the two parties in the house. I've talked to Mr. Errickson about this – suppose an existing house that adds an in-law apartment and the in-laws eventually pass away, what happens to that unit? Right now, it cannot simply be rented out legally. The question is whether we should have a policy discussion about whether that provides an opportunity for taking that existing unit and saying you can use it legally if you designate it as affordable housing. That's a little down the track but the direction we're moving.

Mr. Linehan: On pg. 15 at the top, if it says that it's a single dwelling and then has a project with two units, that sounds like adding a unit to an existing dwelling. Mr. Fields said he would amend that to read "single-family or multi-family dwellings" to eliminate the confusion.

Ms. Evans said if someone had a very large piece of land and they were carving it up into lots and putting two or more houses on it, those would be a single-family development that is creating two net new units and would trigger the inclusionary zoning.

Mr. Linehan: On the table on page 3, is there a reason for saying "not less than" instead of "not fewer than"?

Mr. Fields stated that this is the current language used in the rest of the zoning bylaws.

Mr. Linehan asked if a developer is building condominiums with a combination of 1, 2, and 3-bedroom condos. Is there anything that precludes a builder from using the one bedroom units as the only affordable units?

Mr. Fields said the DHCD requires a range of units to be included in the subsidized unit inventory. We don't have a specific mandate to provide a range of units. The working group and the affordable housing Committee debated how deeply they wanted to go into the specifics of the inside of these units in the bylaw.

Ms. Evans stated that c. 40B has a requirement for similar ratios and Mr. Fields agreed to incorporate that same language into this section.

Mr. Linehan asked about severability on pg. 19 of the motion. The initial sale is based on the income level of the buyer of the affordable unit. As that property appreciates over time, you need to maintain the percentage discount off the property value.

Mr. Fields noted that he took the resale text directly out of the state's model bylaw. Since it was acceptable to DHCD, we chose not to amend it.

Mr. Linehan asked for confirmation that the initial purchaser can re-sell the unit as long as that person sells it to someone who qualifies for affordable housing.

Mr. Fields stated that resale values are governed by state marketing guidelines that we must follow. He stated that a pool of homeowners is screened by a state monitoring agent and a lottery of eligible buyers is conducted. So, the homeowner cannot directly sell the affordable unit, that person must have the sale go through the state monitoring agent.

Ms. Collins asked what the status of the housing production plan is.

Mr. Fields said the affordable housing trust is getting quotes to update the 2012 affordable housing plan and intend to finish the update within the next year.

Ms. Collins asked about fee-in-lieu of units appears to only be determined based on sales. What happens when it isn't a sales situation, for example, a rental?

Mr. Fields said, in terms of valuing the fee, it's based on what a household that was buying that unit could afford so it references the sale to determine the value.

Ms. Collins noted that in the Initial Rent of an Affordable Dwelling Unit section, there is a typo it states that "charges shall not exceed thirty percent (30%) of seventy percent (80%) of monthly Median Income. " 80% should be 70%. Mr. Fields will correct this.

Ms. Collins said that "residential project" is defined differently in the Smart Growth Overlay (SGO) district. Is the residential project definition going into the rest of the zoning bylaws or are they only applicable to inclusionary zoning? My concern is that we're using the same definition to mean two different things in the bylaws.

Ms. Evans that it was intentionally different and read from the SGO section of the zoning bylaws "a project that consists solely of parking and accessory uses as further defined in Section V.I" When you go to Section V-C.5.1, it says that residential project within an SGO district may include single-family, two-family, three-family residential use, parking requirements, and accessory uses. SGO districts are designed for transit-oriented development. Ms. Evans suggested using the definition appears in section III.A.6.c as the definition since it's the SGO definition.

Ms. Collins stated that residential project as defined in the inclusionary bylaw includes non-residential things. I don't see anything in the inclusionary zoning bylaw that prohibits non-residential uses in residential districts. For example, in RSA, I don't see anything in the inclusionary bylaw that says you can only do a mixed-use in an area that allows mixed-use because you're defining it here is a residential project.

Ms. Evans replied that inclusionary zoning yields to the underlining zoning in the district – you cannot put a multi-family in a single family zoning district. I'm comfortable that this is correct, but we will re-verify.

What is the use of P+ in a PCD district? In the Use Regulations Schedule (III-A.2) the plus sign denotes "+ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD".

Ms. Collins: On Motion D, in numerous locations we refer to MGL c. 40B § 20-24. It should be § 20-23 since § 24 refers to the composition of MAPC. Mr. Fields said they thought they had made this change, but will make this correction. Ms. Collins suggested that they review other citation references to ensure their accuracy. Within the density bonus section, section V-J.4.B, we refer to V-J.4.A (typo will be corrected to V-J.4.A.2). Further down, it says "for each Affordable Dwelling Unit provided as part of compliance with the Inclusionary Housing Special Permit process outlined in Section V-J.4.1." (this will be corrected to V-J.4.A.1).

Ms. Collins: In V-J.4.1.d) it states "An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units." It would be helpful if you referred to

where the value determination is defined, because otherwise you wonder how much buildable land needs to be provided.

Ms. Collins: In V-J.4.A.2, it says “As a condition of approval for an Inclusionary Housing Special Permit, the SPGA may specify to an Applicant the combination of requirements“. Why did we use the word “may”? Mr. Fields said the inclusionary working group wanted to preserve maximum flexibility for the Planning Board.

Ms. Evans added that using “shall” would mean that this was the only thing that could be done. We wanted to preserve the flexibility to do what’s best for the town’s interest. For example, the town could say “we have lots of money, we really would like to have the land”.

Mr. Fields added that it also gives the applicant a little flexibility in that they might want to do fee-in-lieu of payments or provide land to the Affordable Housing Trust for xyz reasons, and this gives the Planning Board the ability to accommodate that.

Ms. Evans stated that this came from the Affordable Housing Trust in the case where there might be a development with \$1 million houses and it would be far less useful to have affordable housing within that development than it would be to have that might be able to provide three affordable units of a lesser size.

Ms. Collins went on to question why they couldn’t provide those units in a different location.

Ms. Evans replied that, by getting the money or the land, it gives that Affordable Housing Trust the right to choose what they want to do with the money, i.e., acquire property where the Affordable Housing Trust might choose. The original draft had single-family homes included but was removed because Affordable Housing Trust’s argument was compelling, stating that it would be more difficult for a family qualifying for affordable housing to be able to maintain that house in that area. The Affordable Housing Trust made it clear that they would prefer to be in the position of identifying housing that can be added to the affordable housing inventory, rather than have a developer say instead of giving you the \$1 million, I’m picking out these units – how about those? The provision of buildable land can be one of the lots in the same area as the \$1 million homes.

Ms. Collins contended that this would allow whole sections of town not to include affordable housing due to sheer economics.

Ms. Evans said, that for the time being, that’s the case. However, this puts in place a mechanism by which we can secure land, funds, and, in some cases, secure units. The next step is to talk about how small-scale affordable housing can be deployed more evenly geographically.

Ms. Collins: In the table that goes with V-J.4, first entry in the table, I’m wondering about the rationale for single-family dwellings versus multi-family dwellings. Having worked on article 52, which required affordable housing through much of the town, at least in areas where multi-family was a possibility. The testimony of the Planning Board and the CED Director under the ALOOD and ISLOOP articles in Spring 2017 Town Meeting consistently said that “off-site units and cash-in-lieu of buildable land weren’t as useful because when they measure the town on its 10% affordable housing units, cash in the bank or a vacant piece of property doesn’t help”. In addition, off-site units may end up clustered in certain areas of town.

Ms. Evans said that the Affordable Housing Trust found it almost unhelpful. For example, if you’re a builder in Residential-B, which has a 40,000 sq. ft. lot requirement, and they offer one

lot where you can build a more modest house. It's more valuable to the town if the developer gives the town the proceeds to acquire more units. When we pulled Article 52 from Spring 2017 Town Meeting because it wasn't clear what could be required for developers putting up single family homes under MGL c. 40 §6, that limited our options. Ms. Evans stated further that this falls short of the ideal diversity of housing options throughout the town, but this creates a funding stream for the creation of affordable housing that the changes in article 52 did not. Article 52 required units, but anyone building anywhere else goes away scot free without contributing to units wherever they are. This article deals with single-family development that is the least efficient use of land, since land being consumed by single-family homes is what continues to make housing less affordable. The cost of land is the driving cost in housing construction. This bylaw assigns a cost to the development of single-family homes that, at this point, is optimal in the creation of the maximum number of units that the Affordable Housing Trust and the CDAC tell us they need most.

Mr. Errickson said this was his comment at 2017 Spring Town Meeting where I noted that cash-in-lieu was less desirable in the context of multifamily developments, where cash-in-lieu, from my perspective, is less preferred because I'd rather have the units to diversify that multiunit project. In the case of the inclusionary zoning bylaw, the "cash-in-lieu-of" option primarily focuses on single family projects and many of the single family projects tend to be in the higher end of the market, the larger-scale units. If the builder is building \$1.2 million houses in South Natick, having a unit there isn't generating the most bang-for-the-buck for the town and I would adjust my comment based on this.

That said, I firmly believe that multifamily developments should have affordable units within that development.

Ms. Collins noted that, in the table, multi-family has the most options, with the agreement of the SPGA. (**Mr. Fields** confirmed, and **Ms. Evans** noted that two of those options are the provision of units.

Ms. Collins said that her recollection was that the only time they did provision of off-site units was with Natick Mall (**Mr. Errickson** confirmed). At that point, there was a "goose-up", where they had to do X # of units if you do it on-site and Y # of units if you do it off-site. Is there any provision like this in this bylaw? **Mr. Fields** stated that the calculation was the same whether on- or off-site in this bylaw.

Ms. Evans stated that there is a parity provision in the bylaw.

Mr. Fields said that the parity provision is in section V-J.6.A. it states "As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5. B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Inclusionary Housing Special Permit review and approval process."

Ms. Collins suggested that this would apply to the requirements of sections V.J.5 and V.J.6.

Ms. Evans agreed and suggested that V-J.6.A be modified to eliminate "As an alternative to the requirements of Section V-J.5," to read "An application subject to this bylaw..."

Ms. Collins: One of the new changes you've recommended is in DMU on page 13, that 20% of the units of a project with more than 31 units. The current bylaw specifies 21 units. What's the rationale for the change? Mr. Fields said testimony from the development community that the 20% of units for 21 units is not economically workable, but were amenable to an increase to 31 units.

Mr. Hayes asked where that feedback was provided to CED.

Ms. Evans said that the working group had asked CED staff to meet with and interview various developers and builders in town to review the provisions of this bylaw to ensure that the provisions of this bylaw were workable for the builders and developers.

Mr. Fields offered to provide a copy of this feedback to the Finance Committee if needed.

Ms. Collins: In fall 2016 and spring 2017, Town Meeting made very clear that it wanted to limit waivers and modifications to 10%. Section V-3.e of the zoning bylaws states "Modifications and or waivers granted in order to allow a grant of additional density or intensity in compliance with i) Section 9 of MGL Chapter 40 A and ii) specific authorizations in other sections of this zoning by law shall not be subject to these strict limitations and restrictions above." I'm trying to understand why the inclusionary zoning bylaw might be

Mr. Fields stated that the only time that existing waivers or modifications have to be modified for the purposes of inclusionary housing is section 4.B, the density bonus. In the case of a subdivision or single-family housing development where you are allowed a certain number of lots under existing zoning, you get additional bonus lots, but the dimensional boundaries have to be modified to allow those extra lots. We limit extended waiver provision to 35% for that limited circumstance, to allow the SPGA to modify minimum lot sizes and other density regulations to a maximum decrease of 35%.

Under V-J.3, it says that all affordable housing should be subject to and affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA". It wasn't clear to me whether these were permanently restricted. Mr. Fields said that the next sentence states that it must meet the DHCD guidelines that require permanent affordable housing designation.

Ms. Collins stated that previously, there was a 30 year restriction until these affordable units could fall off the rolls of affordable units. Ms. Evans stated that the working group's rationale was that they were tracking the requirements of DHCD – if they change the requirement, this would not necessitate a change to our inclusionary zoning bylaw.

Mr. Coffey: In case of assisted living facilities, does this have any provision to provide affordable units?

Mr. Fields: DHCD considers independent living elderly affordable units to count to the subsidized housing inventory of the town. Those types of units would be similar to the 62+ development being constructed on Route 9 & Speen Street and those fall under this bylaw. DHCD is having trouble determining affordability for assisted living units with services rolled into their housing provision and have not provided any guidance on whether those type facilities can be included in inclusionary zoning.

*Ms. Collins moved to postpone review of this article until date designated by Chairman (probably October 9, 2018), seconded by Mr. Linehan, **Voted 12 – 0 – 0.***

October 9, 2018 Meeting Minutes – Extract

Sponsors/Presenters:

- Mr. Ted Fields, CED
- Ms. Terri Evans, Member, Planning Board

Sponsors Summary of Article proposal and updates since September 25:

This Article on inclusionary zoning bylaw was continued from a September 25, 2018 hearing. Lenders had identified a number of errors and possible corrections to the Article. A draft of the revised Article 32 was sent out to members on September 27, following the review of the changes at the Planning Board meeting on September 26.

Mr. Fields walked the Finance Committee through the proposed changes.

The revisions that were made are best seen in the redlined version.

Page 1 – added “earning” to the definition of Affordable Dwelling Unit and corrected the incorrect percentages in eligible household you want d (80%) and initial rent of an affordable dwelling unit (70%)

Page 2 – Added the text “This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C.” to the definitions of residential project, residential project (2-5 units) and residential project (6 or more units).

In Motion D:

- P 12, V-J.1 Purpose and Intent – corrected incorrect MGL citation to “**GL Sec. 20-23**”
- P 13, V-J.2 Applicability of Mandatory Provision of Affordable Units– corrected incorrect MGL citation to “**GL Sec. 20-23**”
- P 14, V-J.4 .A.2 Mandatory Provision of Affordable Units: Change “At least twenty (20) percent of the units in a Residential Project on a division of land or multiple unit development with **thirty (30)** or more units in the Downtown Mixed Use district subject to this bylaw,…”
- P. 14, d), “Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section **V-J.4.A.1** requirements (c) and consistent with G. L. c. 40B **sect. 20-23** and 760 CMR 56.
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single-family dwellings only (Projects with 6 or more units) Section V-J4.A.3 (a)
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single **family** dwellings or multi-family dwellings (Projects with 2-5 units) Section V-J4.A.3 (b)

- P 15, V-J.4.4 “The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, **shall ensure that affordable units are affordable in perpetuity, and shall** ensure that affordable units can be counted toward the [Town]’s Subsidized Housing Inventory.
- P 15, B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, “...as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**, and “as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**”
- P 16, Provisions Applicable to Affordable Housing Units On- and Off-Site: V-J.5.A. “Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated proportionately within the development so as not to be in less desirable locations than **unregulated** units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the **unregulated** units. “
- P 16, V-J.5 B. Minimum design and construction standards for affordable units. **All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.** Affordable housing units shall be integrated with the rest of the development, **shall be proportionately distributed in terms of unit size/type** and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall **contain, at a minimum, complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwave oven, and access to laundry facilities.**”
- P 17, V-J.6 Provision of Affordable Housing Units Off-Site:, delete first sentence A. **As an alternative to the requirements of Section V-J.5,**
- P 18, V-J.8.1.B “B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), as **specified in the guidelines for the Local Initiative Program**, or as revised by the Town.
- P 19, P 18, V-J.9.A “A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section **V-J.4.A.4**).
- P. 11, **Mr. Evans:** another scrivener’s error, please correct the open parenthesis around DHCD at the top of the page.

Questions from Members/Answers from Sponsors:

Mr. Linehan: On page 16, it looks like there is inconsistency between “All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction

standards for Local Initiative Units...” and “Affordable housing units, shall be proportionately distributed in terms of unit size/type and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units **Mr. Fields** said that the Design and Construction standards provide a floor and he questioned the DHCD person about this language and they said their reading of compatible is “roughly comparable”. For example, you don’t have to have granite countertops, but each unit should have functional countertops.

Ms. Wollschlager asked about the concept of “poor doors” where people living in affordable units had to go through a separate entrance and NY passed a law outlawing that practice. **Mr. Fields** said there is nothing in this bylaw that specifically addresses that provision, but the working group’s intention was not to have separate entrances. **Ms. Evans** added that affordable units are dispersed throughout a building rather than segregated in one area of the building and that is something that is aspired to when the affordable housing lottery takes place. Further, not a single developer has signaled that they would require access restrictions. **Mr. Fields** added that when DHCD adds properties to the affordable housing list, they monitor to ensure that units are dispersed as uniformly as possible throughout the project. Since the inclusionary housing requires a special permit, I’d be very surprised if the Planning Board allowed a discrete entrance only for affordable dwelling residents.

Ms. Collins said that she examined bylaws from a number of other communities and wondered if you would consider adopting the language that the Town of Beverly uses. “inclusion on-site units must be comparable to market rate units in exterior building finishes and construction quality and energy efficiency, including mechanical equipment, plumbing, windows, insulation, and heating and cooling system. However, inclusion units may have different interior finishes and features, provided that such interior finishes are durable, of good quality and consistent with contemporary standards for new housing. The Planning Board reserves the right to consult with the building Inspector to verify the durability and quality proposed to require changes to better achieve comparability.” **Ms. Evans** said that she would like to talk with the Town’s Sustainability Coordinator and Building Commissioner about how energy standards are enforced across buildings.

Ms. Collins said throughout Motion D, you focus on MGL c. 40B, § 20-23 and 760 CMR 56. I’m trying to understand how they work with the inclusionary zoning bylaw, because these items deal with comprehensive permits. There are many places where you say consistent with MGL c. 40B, § 20-23 and 760 CMR 56. For example, in V-J.2.A, it says “In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-23 and 760 CMR 56:” The state inclusionary zoning bylaw references these sections and it’s designed to link types of units created to those sections of MGL and the CMR so that units created under this bylaw are eligible to be included in the state subsidized housing inventory under the Local Initiative Units. **Ms. Collins** noted that her reading of this is that the first paragraph indicates that MGL c. 40B, § 20-23 and 760 CMR 56 mandate provision of affordable units.

Ms. Collins asked whether developers are either 40B comprehensive permit or inclusionary bylaw. **Mr. Fields** said that if the developer is going to develop under a comprehensive permit, they have to approach the ZBA for a comprehensive permit. This bylaw allows these units to be

included in the SHI as defined by MGL c. 40B, § 20-23 and 760 CMR 56 through the Local Action Program, and they're eligible for a Local Action Program through a Town action, namely, through the granting of an inclusionary housing special permit.

Ms. Collins asked for reference linkage from this section to Section 108, Purpose of Affordable Housing Development Program.

Ms. Collins said, under 40B, a developer can put a development anywhere, regardless of whether residential is permitted there. I don't see anywhere in this proposed bylaw where we limit where this inclusionary zoning can go. It looks as though it's available in all zoning districts and overlay districts. **Mr. Fields** said that the use regulation tables address this concern. **Ms.**

Collins noted section V-J.10 states "The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply." **Ms. Evans** asked whether, striking the phrase "in all zoning districts and overlay districts" in V-J.2.A Applicability of Mandatory Provision of Affordable Units would clarify this. **Ms. Collins** agreed that this would address this concern.

Ms. Collins In the definitions section, Residential project (p. 2 of motion) is defined as "Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw."

Ms. Evans said that is the definition of "Residential Project" is part of the overall Zoning Bylaw and is applicable to the Inclusionary Bylaw section of the Zoning Bylaw.

Ms. Collins asked under what circumstances could the Planning Board deny a special permit specific to inclusionary housing. **Mr. Fields** said the Planning Board could deny the special permit if any of the conditions specified in the inclusionary zoning bylaw are not met, in V-J.4 or V-J.5, for example.

Ms. Evans said that V-J.3 states "If the development of a Residential Project set forth in Section V-J.2 is allowed By-Right in the zoning district in which the Project is located, the Applicant may elect to develop said Project under an Inclusionary Housing Special Permit according to the provisions of Section V-J.4.B. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special Permit shall be as defined in Section VI of the Town's zoning bylaw." **Ms. Collins** questioned whether this would include the criteria to evaluate the special permit application because it says "procedure for the Special Permit shall be as defined in Section VI..." **Ms. Evans** stated that the procedure will include a review of the criteria and offered to confer with Town Counsel about this and to see whether they would read it more narrowly.

Ms. Collins stated that the proposal is to raise the affordable units, Town Counsel. to 15%. Why did you increase it to 15%? **Mr. Fields** said that CED spoke to developers about the 15% figure. Half thought it was too high; half said it was acceptable. The Affordable Housing Trust felt that 15% was a good balance between the statutory requirement of being higher than 10% required for 40B and a higher standard of 20% that would extend affordability to more people in the Town. We felt this was a good balance to ensure that developers would continue to develop in Town. At present, affordable housing is at 10.4%.

Ms. Collins: Getting back to V-J.10, the sample language offered by the state doesn't use "supersede" but says "the more restrictive would govern". **Mr. Fields** said that the version he

used (from 6 months ago) had supersede in it, although it may have changed to this language in a newer version.

You mentioned that some developers were concerned that current levels were too high. Mr. Errickson told us that there was anecdotal evidence that density limits were hindering development, but the objective of this inclusionary zoning bylaw says that the density limits aren't hindering development. **Mr. Fields** said that he believed JE was talking about hearing from three or four developers who were looking to purchase properties in the DMU district who chose not to pursue acquisitions because of the affordability provisions in Article 52 last fall.

Ms. Collins: In Density Bonus, what is included and excluded when calculating FAR in a single-family residential district? I'm looking at the Density Bonus section where it states "*provided that the Floor Area Ratio of all such units in the subject Residential Project not exceed 250% of the Maximum Lot Coverage permitted in the applicable zoning district under Section IV.B.*". **Mr. Fields** said that this is a new provision for projects with bonus units. We're calculating FAR using the definition in the Zoning Bylaw without changes; there is not a different definition for inclusionary zoning.

In the Density Bonus section, what does the term "all such units" mean? **Mr. Fields** said it refers to all the units in that particular project, both regulated and unregulated. **Ms. Collins** noted that in commercial districts, stairwells and bathrooms are excluded from the calculation of FAR. **Mr. Fields** replies that it's calculated as gross floor area ratio divided by lot area, the same definition used in the overall Zoning Bylaw.

In Section V-J.4.B, Density Bonus what do you mean by "*all such units in the subject residential project not exceed 250% of the maximum lot coverage*". The reason that I ask is that in the example, you state that it cannot exceed 250% for both regulated and unregulated units. **Mr. Fields** said all units in the entire project, both regulated and unregulated. **Mr. Fields** noted that the Planning Board intended to ensure that there be some control on the massing of each dwelling placed on each new lot, so the FAR cannot exceed 250% in any of the units, individually and in total. **Mr. Fields** suggested that we modify it to read that each unit not exceed 250% of the FAR, individually as well as in total.

Ms. Collins: In 2017 Spring Annual Town Meeting, Town Meeting specifically approved the language at the top of the bonus density section "*The SPGA may modify minimum lot sizes and any other intensity or density regulations, except height, normally required in Section IV.B in the applicable zoning district, to a maximum increase or decrease of 35% on a cumulative basis, calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A,...*" Right now those limits are 10%, why do you think 35% is necessary? **Mr. Fields** said they calculated it as the most change that's required to allow the extra bonus units to fit in to the residential project under these density bonus provisions, which are necessary if by-right units are to call under this inclusionary Zoning Bylaw. This gives the Planning Board the flexibility to amend downwards by up to 35% minimum lot sizes and dimensional regulations, Town Counsel. This is particularly important for projects that might have a relatively small number of units of single-family or two-family homes.

Mr. McCauley: On p. 18, V.J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units, if it's .125 times the price of the affordable unit, is this applied to that individual affordable unit or all units in the residential project. For example, if the house was valued at \$200,000, then it would be \$25,000 fee-in-lieu of affordable units. **Mr. Fields** said that is applied to all units, in the case of a 5-unit residential project, it would be 5 x \$25,000, or \$125,000.

Mr. Coburn said he appreciated the willingness of the Planning Board and CED to listen and implement some of the changes suggested by **Ms. Collins**. However, that dynamic doesn't feel like a great use of the committee's time. It feels as though there is another process that should occur before we're asked to evaluate this Article. **Mr. Coburn** asked **Mr. Hayes** whether the Finance Committee could create an ad hoc subcommittee tasked with doing this work. **Mr. Hayes** said that the Finance Committee can form a committee, although this would probably fall under the Planning and Governance subcommittee because that's where the zoning bylaw stuff would go. If the Finance Committee so desired, we could create a working group to do this work also. My reaction to the first part of your question is, if one or more members have a substantial number of questions and we're going to spend a lot more time on it this evening only to get to the punch line where members are going to ask for Referral or Postponement of this motion, then I would prefer to do that now. However, if members feel that they are ready to vote this, then we should proceed.

Mr. Coburn suggested that another course of action would be for Town Meeting to create a working group for this topic. Are there reasons that this would be better handled that 2018 Fall Annual Town Meeting rather than at 2019 Spring Annual Town Meeting?

Ms. Evans said that it's been an open issue to establish a comprehensive inclusionary zoning bylaw. Every season of Town Meeting that goes by means that there are developments going forward that not only aren't creating affordable housing, but also are not contributing either lots or funds to create affordable housing. The vast majority of housing in Natick is single-family homes. Having this bylaw in place ensures that they contribute their fair share in creation of affordable housing. The pace at which construction continues to move in Natick makes me believe that adding inclusionary zoning to the Zoning Bylaw is urgently needed. I don't think the feedback from our initial meeting, as well as with the feedback provided tonight, are show-stoppers. The bylaw is better for these improvements, but this wouldn't be a substantively flawed bylaw had they gone through. As long as I've been a Town Meeting member, I have seen bylaws that have been approved that may require adjustments at future Town Meetings, and that would be ideal for the next Town Meeting. I'm very happy to take the comments made today back to the Planning Board for them to review. We continued our recommendation for Article 32 to October 17. If there are other changes that come up, we can examine them, but I would encourage the forward movement of this Article at this time. It's complicated, but it's very solid and workable.

Mr. Hayes said that he had a private conversation with **Ms. Collins** and said that she is willing to hold her remaining questions and would suggest a referral motion.

Mr. Linehan: On p. 15, is stated that he thought that the reference to lot should be changed to project "calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A,..." . You

could put multiple dwellings on one lot, but if these are single-family or two-family, it's not a lot, it's a project site. **Mr. Fields** will replace "lot" with "project site".

Ms. Collins: p. 11, Motion C, Section V-E.3.3.b says "No decrease of more than 10% shall be granted in any of the following regulatory factors: open space requirement, landscape surface ratio, front yard setback, rear yard setback or side yard setbacks. Side yard setbacks shall each be measured and considered separately, except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J." I don't think you're just trying to change the side lots, but it should be changed to "Setbacks" to cover all setbacks.

Motions and Debate by Members:

Article 32, Motion A

Ms. Collins** moved to recommend Referral to Sponsor, seconded by **Mr. Linehan**, **Voted 4 – 7 – 1.

Mr. Evans** moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 9 – 2 – 1.

Debate:

Ms. Collins said that she was impressed with the improvement that I see from this spring. However, the only way I can look at zoning bylaws is as an iterative process. I have some real concerns about Motion A, that I haven't gotten to tonight, like affordable dwelling units. In the definition of Affordable Dwelling units it says "Affordable rental units shall be priced such that the rent including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household earning 70% of Median Income." My reading of DHCD regulations is that it is 38% for a single-family house. By linking it in this way, because affordable units are available to people whose income doesn't exceed 80% of the median income, it's going to be a smaller percentage for someone at 60% of the median income. The preferable way would be to use the chart that DHCD released that shows maximum rental units have to be under 70% of median income. There are a number of little things in here that build up and are the precursor to my bigger concern, Motion D. In my opinion, referring this as a package instead of doing it piecemeal is advisable to ensure that everything is tied together.

Mr. Linehan agreed that referral of this as a package was the best approach because I do think there are other parts that need to be referred.

Mr. Evans said that there was a big push to get inclusionary zoning included in the Zoning Bylaw as soon as possible. We've reviewed this twice before and it's based on the model inclusionary bylaw provided by the state. We've reviewed it again tonight and some good suggestions were made and those have been reflected in the copy that's provided to Town Meeting. In my opinion, not having this bylaw lets developers of single-family homes completely off the hook and deprives the Affordable Housing Trust of a significant revenue source that they can use to

help us stay above the minimum 10% threshold for affordable housing. If you put the onus on multi family units to be the exclusive generator of affordable housing, then this Town is going to be in trouble. We will be below the 10% and where are going to get buildings that the Town doesn't want to have in Natick. We lose all control over that multi-unit housing and end up with something like Chrysler Road, which was an unfriendly 40B project. Like any legal document, the more things you look at, the more you think you can re-word it to be a little bit better. I think this achieves the intent of Town Meeting and helps us stay above the 10% affordable housing threshold, and it stops these developers from getting away scot-free. If you look at Windy-Lo, a single family subdivision is going in there. We're not sure what's going to go in on West Union Street. There are only a few places of developable land where we can help that Affordable Housing Trust get more affordable housing for Natick residents. I think we would be remiss to delay this until it is perfect.

Ms. Tinney said that she agrees that the intent of the inclusionary bylaw is to keep us ahead of the 10% affordable housing. That is what's most important, as opposed to exact verbiage and punctuation. Let's move it along.

Mr. Coburn said that the Town does need protection against falling below the 10% threshold. I've seen real improvement to this bylaw in both of our sessions and that makes me nervous. I understand the complexity of writing this bylaw but, generally, we should be approving something that's well vetted. I hope that Favorable Action doesn't let the sponsors off the hook for improving it moving forward.

Mr. Coffey said that while the goal is positive, I have trepidation with approving this. I look at the time we've spent reviewing this. One member has done a fabulous job of going through this in detail and identifying problems. It isn't advisable for this motion to get to Town Meeting to have 112 people picking at it. I'm concerned about lawyers finding loopholes to exploit in this bylaw. I suggest improving this and bringing it back to 2019 Spring Town Meeting.

Mr. McCauley said that he has a unique perspective because he does some of this as part of his day job. I know how complicated affordable housing financing can be, even in individual cases. There are two things that we have in finite amounts in Town: land and time. Everything that gets built under rules where there is no contribution to the affordable housing stock is, for all intents and purposes, gone. I will support **Mr. Evans'** motion to move forward on this.

Mr. Rooney said he will support favorable action, but didn't disagree with anything that the referral proponents have said, particularly **Mr. Coffey**. However, **Mr. Coburn** also said something that is important. This will probably need to be improved and there will be a lawyer who will pick apart the inclusionary zoning bylaw to look for an angle that can be exploited. The best thing we can do to mitigate that is to get it passed now and I to create a task force or committee to further refine it. The Town will be willing to amend this to improve it in the future. I agree that we have finite land and we are not benefiting from the development of these properties without the passage of this inclusionary zoning bylaw.

Mr. Sullivan one of the things that I've seen as a member of the Finance Committee is the great complexity of zoning. Last year a former chairman of the Finance Committee who is adept at understanding zoning brought a citizen's petition because he identified a glaring loophole in the Zoning Bylaw. I'm concerned that we can expose ourselves to unneeded risk by the passing in inclusionary zoning bylaw that's flawed. I'm a big champion of affordable housing and it pains me to push this off a little more.

Mr. Hayes said that he's comfortable, despite knowing that there are things that need to be addressed in this document, and don't know whether they are glaring and put us at risk. I received feedback from a Town Meeting member who thanked us for getting the recommendation book out on time so that he could read before Town Meeting, which means that they rely on us to help them form their opinion. If I support Favorable Action, I might not be able to help Town Meeting understand that there are some unresolved issues. However, if I support referral to the Planning Board, a bunch of other people will say this is not ready for prime time, so I'm not going to listen on the floor of Town Meeting to what may have happened from October 9 two whenever we hear it at Town Meeting because the Finance Committee book says referral to the Planning Board. Therefore, I will support the favorable action motion, but I won't support FA on the floor of Town Meeting if these motions don't incorporate a number of changes that were offered this evening and additional changes that will be provided subsequent to this meeting in the next week or two.

Article 32, Motion D

Ms. Collins moved Referral to Planning Board (Sponsor), seconded by **Mr. Coffey**, Voted 4 – 7 – 1.

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, Voted 8 – 2 – 2.

Debate:

Ms. Collins noted that, in discussion of Motion A, there was discussion about lawyers. I'm not a lawyer, but am just reading the English language. The words in the Zoning Bylaw are what matters because that is all the Town has for protection. If the words aren't right, then someone will find errors because they are more familiar with Zoning Bylaw than I am. There are a number of things that I didn't go into, including words that aren't defined. For example, in Section V-J.2.A.3, it says "Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services Elderly Family Residences don't have accompanying services." Does that mean that Elderly Family residences are included? In my opinion, there are more policy-level decisions that need to be made such as the inability of a developer to build off-site units except if they are doing six or more on-site units in one project location. I haven't figured out yet whether we have a problem with the subdivision control law - if I have a vacant piece of land that's big enough such that I can divided into two smaller lots and put a house on each lot, this would then be required to add an additional affordable unit because it is tow "net new" dwelling units, even though you comply with all other zoning requirements. Section V-J.10 says that this section will supersede existing Zoning Bylaw and that concerns me. Thirty-five percent in waivers and modifications eliminates things like sky exposure planes, lot coverage, side-yard and rear-yard setbacks. In section V-E it says No increase greater than 10% shall be allowed in any of the following regulatory factors: height, building coverage, lot coverage, number of units, any density measure, or sky-exposure plane, *except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J,*" You could, potentially

have a 35' house located with a 6 foot setback. To me, good is like grenades or hydrogen bombs, they are close. One of the things that I'd still like to discuss is why we would allow developers in South Natick to buy their way out. Is there another way that we get units instead? I have serious concerns about this motion and don't believe it's in good enough shape to recommend that Town Meeting approve it.

Mr. Coffey agreed that Motion D is not ready for approval. For us to send it to Town Meeting with a favorable recommendation is irresponsible because some people who see favorable action will have the mistaken impression that this is ready and it's not ready yet. I'd prefer to have it worked on and brought back in the spring and have it sail through Town Meeting.

Mr. Evans said that this is a natural follow-on to Motion A, which provided the definitions for the inclusionary zoning bylaw. Motion D is the actual mechanism that the town uses to apply the inclusionary zoning bylaw. The Planning Board, CED utilized the state's inclusionary zoning bylaw model bylaw. We've provided them with feedback on numerous occasions and I expect that will continue. I don't think that this is a "Hail-Mary" where we throw it out there in hope that it sticks. It's based on accepted state law and modified to fit into the Natick Zoning Bylaw. To me, it's just like the Retail Marijuana zoning bylaws we passed at Special Town Meeting #2. You have the definitions and the application of the bylaw and together they work in tandem. You also give the Planning Board, through the special permit granting process, to go through the things that a given proponent wants to do. If they are out of line, then there's a debate. In my opinion, this is well thought-out and well-crafted. Over time, it can be improved. In my mind, it is good enough to get the job done for the foreseeable future.

Ms. Tinney said that she couldn't agree more. The Planning Board has done a good job combing through this. It may not be perfect, but it's perfect enough. Nothing has sailed through and I believe in the iterative process that this will improve as it is challenged. I have faith in the Planning Board that it will follow what's intended here and I don't believe that Town Meeting members take the Finance Committee's recommendations as convincing them one way or another, but provide information to help them make the decision. The known risks that we have are the 40B requirements and we are vulnerable to 40B by not having this inclusionary zoning bylaw.

Mr. Coburn said he is nervous because and gives me confidence. In this process, there have been several references to the intention in the conduct of the Planning Board and the expectation of what the Planning Board would set as terms and conditions. I also understand the importance of getting the words right because the good will and good intentions mean nothing when the Town is taken to court by a developer's lawyer.

Ms. Wollschlager said she very reluctantly supported motion A, but am troubled by some of the things that **Ms. Collins** has identified. I'm going to support the positive motion here also and was happy to hear that the **Chair** intends to speak against this Article on Town Meeting floor if it doesn't incorporate these changes in the motion that comes before Town Meeting. I intend to talk to **Ms. Collins** before Town Meeting to find out whether the motions have been amended, at least partly, to her satisfaction. It's important to have an affordable housing bylaw, but it can't be full of loopholes.

Mr. Scurlock said that he would like to see this go forward. Mr. Evans spoke about an unfriendly 40B. I witnessed 100 citizens requesting that a development not move forward and am concerned that a Town board or committee can allow this to go forward. I'm not clear how

this stops that process, but I do hope that **Ms. Collins** will be able to get her suggestions incorporated into these motions.

Article 32, Motion B

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 7 – 4 – 1.**

Debate:

Mr. Evans said he did not hear many objections to the text of Motion B. The Use Regulation Table is the “Cliff Notes” reference that developers use to ascertain whether a given development is acceptable to the town are not. This has been thoroughly vetted and that I feel comfortable recommending favorable action.

Ms. Tinney no further comment

Mr. Hayes said he is very uncomfortable because it’s subject to and compliant with Section V-J (Motion D) so the concerns raised in Motion D are a concern in this motion as well. I said this to underscore the point I made earlier concerning Motion D, but I will support Favorable Action on Motion B.

Article 32, Motion C

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 4 – 5 – 3.**

Debate:

Mr. Evans said Motion C includes language that integrates the inclusionary Zoning Bylaw into the Natick Zoning Bylaw to ensure that there aren’t conflicts. The changes that we’ve requested have been implemented so I’m reasonably comfortable recommending that Motion C move forward.

Ms. Tinney agreed that this motion has been reviewed enough so that she is comfortable recommending favorable action to Town Meeting.

Ms. Collins said that Motion C only takes out language that already exists in the Zoning Bylaw. It does nothing more than that. Although the last section V-E.3 may technically fall under the language in the Article, I don’t believe town citizens were properly noticed that this provision in the bylaw was going to be decimated this way, and that’s how I view it. Town Meeting made a very deliberate vote in Spring 2017 Annual Town Meeting to put in a 10% limit and this motion indicates that the sponsors do not believe that Town Meeting knew what they were doing. I can’t vote for Motion C to take out what’s in there because I can’t support Motion D. I don’t think changing the affordable housing requirement based on allowable density in DMU is, in any way, a hardship based on the sales that have happened in that area.

Mr. Coburn said I’ve taken to heart the **Chair’s** comments on Motion A, especially the statement that Town Meeting members look no further than the 2-3 words attached to our recommendation in the Finance Committee recommendation book. I think that if a couple of

these motions have no recommendation, Town Meeting members are going to ask why and will pay attention to more than 2-3 words, and that's healthy.

Ms. Wollschlager thanked **Ms. Collins** for her diligent work and feel that she has done much of the work of the Finance Committee in reviewing the inclusionary zoning bylaw proposal. I'm grateful for all the things that you've brought to light and hope that, if you feel, the motions are not modified to your satisfaction that you speak at Town Meeting so that we understand what the remaining issues are.

Mr. Scurlock, through **Chairman Hayes**, asked whether **Ms. Collins** feels that she can work with the sponsors to work out the concerns you have with the sponsors.

Ms. Collins said that she believes many of the wording issues can be worked out, but is less confident that some of the philosophical issues can be resolved.

Mr. Hayes reviewed the 2018 Fall Town Meeting warrant, noted that this is Article 32 and that may afford us enough time to come up with revised motions by the time Article 32 comes up at Town Meeting. It's even possible that someone can make a motion to have Article 32 be the last Article heard at Town Meeting.

Ms. Evans said that she wanted to take the inputs from the Finance Committee to the Planning Board meeting on October 17. I realized that there may be further edits after that meeting, but I'll be in touch with **Ms. Collins** about sitting down and going through things. I also invite others on the Finance Committee who have questions or observations to send them to me as soon as possible. We've all seen sausage making on the floor of Town Meeting, so we'd like to get as much of a final motion as possible available before Town Meeting. We can also review the suggested changes with Town Counsel to verify that they are correct.

Mr. Hayes asked how **Ms. Evans** would like to receive inputs from the Finance Committee – through the chair or through individual members. **Ms. Evans** said they could send inputs individually, but to make sure they are copied to the **Chair** of the Finance Committee, and **Mr. Fields**. Once **Ms. Collins** and I have the chance to sit down and discuss this article, we'll have a lot better sense of how we can get this ready for 2018 Fall Annual Town Meeting. Further, you are lucky to have **Ms. Collins'** input. I have looked at things many times and there are things that others have spotted. It's one of the reasons that a robust review process is a great benefit.

-END OF ARTICLE -

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ARTICLE 36
Amend Zoning By-Laws: Outdoor Lighting
(Planning Board)

ARTICLE LANGUAGE:

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to provide regulation of pole-mounted lighting.

Or otherwise act thereon.

PURPOSE OF THE ARTICLE:

To codify the practice of the Planning Board to reduce light glare and minimize light trespass, to conserve energy, and to complement the character of the Town, as cited in **Section V-I (*Outdoor Lighting*), Purpose and Criteria (Section V-I.1)** of the Town of Natick Zoning Bylaws by establishing a reasonable maximum height for light poles within the parameters of the **Applicability Section (V-I.2 a)** of the Zoning Bylaw.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE #36	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	12-0-0

MOTION: (Requires a 2/3 majority vote)

Move to amend the Town of Natick Zoning Bylaws to provide regulation of pole-mounted lighting by modifying Section V-I (*Outdoor Lighting*) as follows:

To amend Section V-I.5 (Lamps)

by inserting “a) Color:” immediately before the first line, which begins “Lamp types shall be selected...”

and by inserting a new subsection V-I.5 b), which shall read “b) **Height of Luminaire**: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.”

And to amend Section V-I.6 (Hours of Operation)

by deleting the language at the end of the section that now reads “; low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 pm and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.”

and replacing it with the following language: “. Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.”

So that Sections V-I.5 and V-I.6 shall read as follows:

5. LAMPS

a) **Color**: Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI) as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.

b) **Height of Luminaire**: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.

6. HOURS OF OPERATION

Outdoor lighting shall not be illuminated between 11:00 pm and 6:00 am with the following exceptions: if the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half-hour after the activity ceases. Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when

no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

This article aims to amend the Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to:

- Restrict the height of pole-mounted lighting in parking lots to twenty feet into amend the hours of operation.
- Add language that says, “Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.”

These proposed changes take forward a long-standing practice of the Planning Board that we use on car parking lots into the Natick Zoning Bylaws. It specifies parking lots, but also notes parking fields used to store or display motor vehicle inventory.

The committee asked questions and gathered additional information including:

- Whether a bigger issue might be the light spreading from the light.
 - this is known as “*light trespass*” and is one of the challenges with newer fixtures, particularly LEDs. The Planning Board requires a horizontal cutoff a baffle in the back to prevent light trespass.
 - One of the challenges, and this is where height becomes an issue, is that it’s easier and easier to see the face of the luminaire”.
 - The higher they are, the farther away you can see them. Controlling the height may mean more fixtures sometime, but it’s more beneficial in terms of controlling not only light trespass but the face of the fixture itself.
 - For any special permit, we require a certified estimate of the “footcandle” illumination of the parking field.
 - There currently exists the mechanism for covering spread already in the bylaws.
- A building at the Oak Street and Route 9 intersection has a light shines right in the eyes of drivers. This light is wall-mounted. Would this bylaw help with that?
 - No, it would not because this bylaw doesn’t cover wall-mounted fixture. However, if a wall-mounted figure is a safety problem, you should flag it for Community Development. In most cases, businesses aren’t located so close to the road that wall-mounted light fixtures cause this type of problem.

- It was asked whether this applied to people requesting a special permit only or for all others.
 - The definition of outdoor lighting in the Natick Zoning Bylaws says “The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts but shall not apply to: one and two family dwellings on lots on which they are the principal use, or street lighting, lights that control traffic or other lighting for public safety on streets and ways.”
- Would this affect any existing businesses and require them to retrofit lighting.
 - If the business, through its own initiative, wants to change its lighting, the Planning Board may propose that they lower their light poles at the same time to bring them into compliance with the bylaw. When the business is making that change, they’ll be applying for a building permit and to building Commissioner would flag it because it’s covered by a special permit.
- The current Zoning Bylaws includes a definition for HEIGHT OF LUMINAIRE: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire. Is this additional?
 - It is being put under section 5 because this applies specifically to luminaires that are pole-mounted for the purposes of illuminating a parking field.

Debate:

A member commented that unfortunately, while observing Planning Board meetings where the Planning Board is trying to promote a reasonable standard, the proponent says that it isn’t specifically stated in this Zoning Bylaws. This will prevent this from happening in the future.

-END OF ARTICLE-

ARTICLE 37
Amend Zoning By-Laws: Signage (Residential Zoning Districts)
(Planning Board)

ARTICLE LANGUAGE:

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-H (Signs and Advertising Devices) and Section 200 (Definitions) to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, by variance, by pre-existing use, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions.

Or otherwise act thereon.

PURPOSE OF THE ARTICLE:

The new language adds a reference to prior use variances and pre-existing non-conforming uses. This language was suggested when Article 31 was submitted for SATM 2018 but could not be included as it was outside the four corners of that article.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE #37	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	12-0-0

MOTION: (Requires a 2/3 majority vote)

Move to amend the Town of Natick Zoning Bylaws to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, or exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions by modifying Section V-H, Section D.1(a) (*Signs and Advertising Devices: Regulations and Restrictions Applicable to Use Districts – Residential (RS, RM, RG, and PCD), Accessory Signs*) as follows:

To amend Section V-H.D.1(a)2 (Other Allowed Uses)

By adding “by variance, or pre-existing uses,” after the phrase “by Special Permit”

By adding “uses” before the phrase “exempted in MGL Chapter 40A, Section 3”

So that Section V-H.D.1(a)2 shall read as follows:

“V-H. SIGNS AND ADVERTISING DEVICES

D. REGULATIONS AND RESTRICTIONS APPLICABLE TO USE DISTRICTS

1. Residential (RS, RM, RG, and PCD)

(a) Accessory Signs

2. Other Allowed Uses : For those uses that are permitted as of right, by Special Permit, by variance, or pre-existing uses, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions, there may be one such sign for each lot. This may include a standing sign.

a. Dimensions: Such sign may not exceed fifteen (15) square feet in area and may be no more than ten (10) feet in height.

b. Illumination: In addition to complying with Illumination regulations in Section V-H.C.1, such sign may not be internally lit.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The sponsor shared that the Planning Board is trying to capture in the bylaws the best practices that the Planning Board follows. The Planning Board sponsored this article in spring 2018, but it was suggested that language be added. Due to the tight wording of the article, I could not make that addition within the four corners of the article, so I promise to bring it back to 2018 Fall Annual Town Meeting.

There were no questions from the committee and no debate on the subject-matter.

-END OF ARTICLE-

ARTICLE 38
Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws:
Constitution of zoning board of appeals, division and distribution of powers
regarding MGL c. 40B sections 20-23
(Julian Munnich et al)

ARTICLE LANGUAGE:

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to, including but not limited to adding new sections and/or definitions, and/or amending existing sections and/or definitions; to provide for the division and exercise of functions to other appointed or elected bodies:

-Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, MGL c. 43B s. 20, and MGL c. 40B s. 21 or otherwise; provide by amendment and/or addition including but not limited to the Article 3 Section 11 b of the charter to make the Planning Board responsible for hearing comprehensive permit applications under MGL Chapter 40 b s 20-23; divide the assignment of functions to other appointed or elected bodies;

-Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws including, without limitation, in Article 10 Section 3 and Article 22 Section 5 such that they comport with the Natick Home Rule Charter, and/or establish the assignment of counsel to town boards;

-Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter;

Or otherwise act thereon.

PURPOSE OF THE ARTICLE:

Article 38 proposes to move the function and responsibility of permitting “40B Housing “, from the Zoning Board of Appeals, to the Planning Board.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 38	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 9, 2018	Referral to Sponsor	12-0-0

MOTION: (Requires a majority vote)

Move Referral to Sponsor

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

This article was initial heard on September 11, 2018. During that hearing the sponsor provided a summary of the proposal, which is for Article 38 change the Municipal Permitting body for 40B projects to be the Planning Board instead of the Zoning Board of Appeals.

The Finance Committee spent time asking questions of the sponsor and gathering information on the intent and practicality of the proposed motion. The Finance Committee also weighed other information from Town Counsel and citizen comments including conflicts of law and fact between the proposed motion and current ass General Laws and Code of Massachusetts Regulations.

The Finance Committee postponed further action on the article until a discussion was completed between the Town Administrator, Town Counsel, Finance Committee Chair and the primary sponsor.

Following the above-mentioned discussion, the sponsor has determined that a Referral to Sponsor is the best course of action at this time.

ARTICLE 39

**Amend Natick Town Charter: Natick By-laws, Natick Zoning By-laws:
Appointment and constitution of zoning board of appeals, division and distribution
of powers, and assignment of counsel.
(Julian Munnich et al)**

ARTICLE LANGUAGE:

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to; including but not limited to, adding new sections, and/or definitions, and/or amending existing sections and/or definitions, and/or providing for transition and implementation procedures; to provide for the division and exercise of functions to other appointed or elected bodies:

-Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, and MGL c. 43B s. 20 or otherwise; provide by amendment and/or addition to the charter, including but not limited to, in Article 3 for the appointment of members and associate members to the zoning board of appeals by a different appointing authority or in Article 3 for the election of a board of appeals, to change or to establish its number of members and associate members of the board of appeals; and/or to divide the assignment of functions to other appointed or elected bodies;

-Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws such that they comport with the Natick Home Rule Charter, and/or to amend Article 22, including but not limited to Section 5, and/or Article 10, including but not limited to Section 3, of the Natick Town Bylaws, (respectively the Town Counsel and Board of Selectmen sections of the by-laws), including but not limited to Article 44 of the Natick Town By-Laws, and/or add new section to the By-Laws to: a) determine which multiple member bodies shall have the right to services of Town Counsel; and b) provide that multiple member bodies, and elected town officers, who are parties in interest or defendants in any matter connected to their official duties, shall have the right to bring and to settle legal action and to defense pertaining to such matters; and c) provide that the Board of Selectmen and Town Administrator not have authority to settle or to control such matters or to limit such control or involvement: and d) to determine the extent to which any or all multiple member bodies and/or elected town officers shall have rights to legal services and/or causes of action in connection with their official duties;

-Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition or deletion to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter in regard to the appointment of the Zoning Board of Appeals, and division and exercise of functions;

Or otherwise act thereon.

PURPOSE OF THE ARTICLE:

The intent of this article is to:

- Align (re-align) the ZBA with the expectations of the town’s citizens.
- Assure that the town’s statutory bodies have appropriate access to the full services of Town Counsel to fulfill their statutory responsibilities.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 39	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 11, 2018	Favorable Action	11-0-0

MOTION: (Requires majority vote)

Move the subject matter of Article 39 be referred to the Board of Selectmen for their review of the following matters:

- Whether the Zoning Board of Appeals should be elected or appointed.
- If by appointment; whether by the Board of Selectmen, or by other appointing authority.
- Whether the number of Members and Associate Members should remain the same, or if some other number should serve.
- To review the current ZBA practice of not considering aspects of the Zoning Bylaw, and statute, beyond specific relief required that has been identified by the building commissioner.
- To review, and consider changes to, Town Bylaws Article 22, “TOWN COUNSEL”
- For the Board of Selectmen to draft a set policy, and or criteria, for intervening in the statutory functions of town bodies and their requisite access to Town Counsel.

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The Finance Committee gathered information, asked questions and took testimony from the sponsor on the subject-matter of the article. During the initial presentation the sponsor provided the following commentary:

- The purpose of Article 39 was to have the town examine and change the composition of the ZBA.
 - The current way that the ZBA is set up in Natick has five members and three associate members.
 - Previously, there were three members and one associate member. The ZBA sometimes has issues with obtaining quorums. So that may be easier to reach with a smaller quantum of members or the way it is set up with associate members.
 - At present, the ZBA is appointed by the Board of Selectmen and the question is should that process be continued or changed to be an elected board.
- The second aspect of this Article touches on the issue of access to Town counsel.
 - Both the ZBA and the Planning Board occasionally need to speak with town counsel for statutory reasons to appeal decisions or defend decisions.
 - Past practice was that the town would assign town counsel to do that work.
 - However, there been a couple instances where the Planning Board goes to town counsel for advice and then the next thing you hear are decisions coming from the town administrator's office.
 - Since the Planning Board was seeking town counsel for advice, the response shouldn't be filtered through the town administrator.
 - In some cases, the Planning Board might appeal the ZBA decision, where the Planning Board brings suit against parties to defend the interest of the town
 - It should not be subject to arbitrary veto by the Board of Selectmen because they might disagree with the Planning Board.
 - The Planning Board has statutory right to file lawsuits on behalf of the town for reasons of the Planning Board.

Debate:

- A member expressed the opinion that now seems like a moment to have this healthy review and to have this debate on Town Meeting floor to see whether Town Meeting supports this kind of review. Town Meeting can express its views on the parameters included in this referral motion. There is no legal restriction for Town Meeting to restrict what the sponsors can discuss associated with this issue.
- A second member stated that this is an ambitious Article and the member supports referral because the conversation needs to happen at multiple levels. In some cases, in the member's experience, some members of the ZBA aren't aware of some of their responsibilities. Referral of this motion by Town Meeting gets the conversation started and these things need to be revisited sometimes.

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ARTICLE 40
Amend the Town of Natick By-Laws: Create New Committee
(Daniel Sullivan et al)

ARTICLE LANGUAGE:

To see what action the Town will take to amend the Town of Natick By-Laws (“the By-Laws”), consistent with and pursuant to Article 2, Section 11(e) of the Town of Natick Home Rule Charter (“Committees”), the Massachusetts General Laws, Chapter 39 §16 or any other authority, to add a new and/or to amend an existing Article(s) or Section(s) of the By-Laws, including without limitation:

- i) to create a standing committee, appointed by the Moderator, for the purpose of study, review, recommendation and/or report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting action; and
- ii) to allow such committee to conduct studies and analyses of the Town for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters; and
- iii) to determine the name, size and composition of such committee and to specify the eligibility, term and/or qualifications for an individual to be a member of such committee; and
- iv) to provide and/or to allow for such committee to provide input, report, advice and recommendation to the Finance Committee in connection with the Finance Committee’s consideration of warrant articles and other matters before Town Meeting and/or the Town; and
- v) to provide that such committee, in connection with its work, have access to Town Counsel whether such provision is made in a new article or section of the By-Laws or within Article 22 – Town Counsel, Section 5 (c) of the By-Laws; and
- vi) to specify any other powers, duties or responsibilities of such committee;
- vii) provided however that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said committee;

or otherwise act thereon.

PURPOSE OF THE ARTICLE:

The purpose of this article is to create a standing committee, called the *Zoning Advisory Committee* to be appointed by the Moderator, to:

- Study, review, recommend and/or report to the Finance Committee and, if desired, Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting
- Allow said committee to conduct studies and analyses of the Town for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE #40	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 9, 2018	No Recommendation	--

Note: There were three motions offered- Favorable Action (5-6-1); Referral to Sponsor, Planning Board and Moderator (3-7-2); and Referral to Sponsor, Planning Board, Moderator and Finance Committee (5-6-1). No motion received the eight (8) vote quantum to achieve a majority of the fifteen (15) member committee.

MOTION: (Requires a majority vote)

No Recommendation

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The sponsor reiterated the stated purpose of the article (see above) and during the question and answer period from the committee members the sponsor provided additional comments as to the benefits and the working “approach” for how this committee would operate including:

- Sponsor stated that based on recent trends, the number and complexity of proposed Zoning By-Law change warrant articles has increased significantly in recent years often resulting in the Finance Committee wanting to either wait for information, analyses and recommendations from the Planning Board or expend extra meeting time to do its own analysis.
 - The Planning Process, and the requirements of the Planning Board, are intentionally lengthy, deliberate, and thorough. This is not a criticism of the Planning Board or process but a recognition of the requirement in MGL c40A §5 that the Planning Board advertise its hearing on zoning articles at least 14 days before it may begin its hearing
 - Often the result is that input from the Planning Board cannot be provided to the FinCom until late in the process and has resulted in delayed or no recommendations to Town Meeting

- Members asked questions around the collaborative approach or independent approach of this new committee with the Planning Board
 - The sponsor believes that this committee would in no way usurp any powers or responsibilities of the Planning Board (or any other Board, Commission or Committee in Natick) but would serve as a resource.
 - Likewise, this Committee would not substitute for or replace the Finance Committee's (FinCom) responsibility to "consider all matters of business included within the articles of any warrant" but rather to assist them in their process. In addition, Town Meeting could refer matters needing further study to this committee if it so chose.

- The sponsor addressed a number of questions from members asking whether this new committee would work through or work independent of the Finance Committee:
 - The sponsor noted the limited nature of this group. This new committee advise FinCom and by extension Town Meeting in relation to the recommendations put forth on Zoning articles only. This is not a body that will make or enforce policy, it is an advisory body only. There is a great deal of talent and expertise in town that does not have the time or desire to serve on the Planning Board but does have expertise that would be helpful to FinCom. This standing committee will enable the town to tap those resources to the benefit of the FinCom review process.
 - It is believed that this will improve the Finance Committee's ability to complete its responsibility under the Town of Natick By-Laws, Article 23, Section 4 Reports, Recommendations: "The Finance Committee shall consider all matters of business included within the articles of any warrant

for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article.”

- This approach should position the Finance Committee to have a resource to advise on complicated zoning articles and decrease the number of articles that move forward to TM without a recommendation from FinCom.
- During the Q&A period, a number of potential changes to the proposed motion were offered and the sponsor was asked if they would be considered as changes to the proposed motion?
 - The sponsor was amenable to accepting the proposed changes in an effort to make it clearer about the inter-play between the new committee and the Finance Committee; and, the new committee and reporting out recommendation to Town Meeting.

-END OF ARTICLE-

ARTICLE 42
Technical Changes to Charter and By-Laws
(Paul Griesmer et al)

ARTICLE LANGUAGE:

To see what action(s) the Town will take to amend the Town of Natick Home Rule Charter and/or the Town of Natick By-Laws (“the By-Laws”), to add new definitions, to amend existing articles and/or sections, whether by adding new language, removing existing language, changing exiting language or otherwise, and/or to add new articles and or sections including without limitation:

1) to restore, in whole or in part, or otherwise to provide new requirements within Article 7 Section 9 (a) of the Charter the provisions for calling meetings of multiple member bodies and notification to members including potentially, but not limiting the foregoing, a) that such meetings be called by the i) Chair, Vice Chair and/or secretary/clerk of the multiple member body and /or ii) 1/3 of the members of the multiple member body and b) that a minimum of 48 hours or 2 day notice, including the agenda items and/or then available advance materials, be given to each member of the multiple member body and/or c) that subsequently available advance materials be given to all members either in advance or at the same time; and/or

2) to clarify in Article 3 of or elsewhere in the Bylaws or the Charter a) that the Finance Committee public hearings on the proposed budget and its individual elements as described in and/or discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be required public hearings within the meaning of and subject to the requirements of Town Meeting Time, and/or b) that such public hearing requirements of Town Meeting Time shall also apply to or pertain to the subject matter of any related warrant article or portion thereof which includes any element of the proposed budget whether such preceding clarification(s) is(are) new or for the avoidance of any doubt and/or misunderstanding, and /or c) to allow Town Meeting, by 4/5ths or other greater super majority vote or unanimous consent, to consider part(s) of the proposed budget which have not been so heard by the Finance Committee or to prohibit, within the Bylaws or charter, such consideration until after the required public hearing is held and/or e) to determine whether the provisions of this paragraph of this warrant article shall also apply to all financial warrant articles and/or other warrant articles which are not part of the proposed provided that any such requirement(s) must also apply to all of the elements and/or items of the proposed budget; and/or

3) to create a definition of “resident” and /or “taxpayer” and/or to clarify that such terms mean only “of the Town of Natick” and/or to clarify the meaning of “of the Town of Natick”; and/or

4) to determine and or to define, without limitation, whether “resident” shall a) be defined in accordance with existing Federal, state or other statutes, regulations, legal requirements and/or practices of residency and/or b) be limited to or consist solely of individual human beings and/or to specify that any person registered to vote in a community other than the Town of Natick is not considered a resident of the Town; and/or

5) to determine and/or to define, without limitation, whether “taxpayer” shall a) be limited to or consist of real estate, personal property and/or other types of taxpayers, b) be limited to or consist of current taxpayers or taxpayers within the current fiscal year or other period(s) to be specified, c) to define whether taxpayer means and/or includes i) the actual payer of the tax, ii) the owner on whose behalf the tax is paid, iii) the owner of property who has paid tax or is subject to taxation, including taxes accruing and/or payable, d) to define whether the assessor’s records and/or registry of deeds shall be conclusive for determining taxpayer status and/or e) to provide that taxpayers who no longer own property in the Town will not be considered taxpayers even if they paid tax within the current fiscal year; and/or

6) to determine whether these or any other new or existing definitions shall apply a) throughout the charter, b) for the purposes of specified articles and/or sections of the charter with such specific sections, if any, to be determined under this warrant article, c) throughout the ByLaws and/or d) for the purposes of specified Articles or sections of the ByLaws with such specific sections, if any, to be determined under this warrant article; and/or

7) to amend Charter Article 2 Section 10 (c) to a) completely re write this section, b) amend any wording within this section in whole or in part, c) to change the word “participate” in this section to “speak” or some other more limited term or verb, d) to change or delete the words “in the proceedings” so that the actions contemplated therein i) be limited to speaking and/or to other specified acts of participation, ii)) specifically exclude the ability to make motions and/or iii) be modified/limited in some further or other manner; and/or

8) to provide that corporate and/or other taxpayers who are not individual human beings shall a) be able to participate within the meaning of Charter Article 2 Section 10 (c) only through their officers and/or directors as listed with the Corporations Division of the Secretary of State of the Commonwealth, b) to i) limit such taxpayers in the previous clause to one or some other number of speaker(s) and/or ii) provide that such taxpayers

shall be considered to be speaking for a second or further time when any officer or director of such corporation or legal entity seeks to be recognized for a second or further time on an article or motion in the basis of standing as a taxpayer, and/or c) to preclude non-resident and or non-taxpayer representatives, attorneys and/or agents of such taxpayers and/or of any resident from speaking without permission of Town Meeting, whether these changes in this paragraph are made i) within Article 2 of the Charter, ii) the text of new or existing definitions in the Charter and/or Bylaws, iii) within Article 3 of the Bylaws and/or other appropriate Article or section of the charter or bylaws; and/or

9) to change Charter Article 7 Section 9 b so that the members of the public be changed to or defined as residents or taxpayers, as defined, and /or as contemplated elsewhere within this warrant article and/or to provide or to limit the subjects about which questions may be asked, opinions stated and/or information exchanged be limited and/or to determine the manner, type or extent of such limitation(s) and/or to require that any such topics be limited to matters which are within the i) official scope, authority, reach, extent, purview, depth, width, responsibility, jurisdiction, role and/or responsibility of a multiple member body and/or ii) current practice of such multiple member body and/or to define current practice whether within the aforesaid section or elsewhere in the charter or Bylaws and/or iii) to provide that current practice of a multiple member body shall be measured only from the most recent annual and/or once a year reorganization of a multiple member body; and/or

10) to clarify in Article 3 of or elsewhere in the Bylaws or the charter a) that the Finance Committee public hearings as discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be public hearings at which only residents and /or taxpayers, as defined, shall have the right to speak and/or be heard, that persons who are not residents or not taxpayers may be heard only with the permission of the Finance Committee as contemplated for rules provided elsewhere within this warrant article for multiple member bodies; and/or

11) to amend the Charter to allow the representative Town Meeting by ByLaw i) to create uniform rules for all multiple member bodies with regard to any of the subject matter in Article 7 section 9(b) of the Charter, ii) to create and apply such rules to certain multiple member bodies only and/or iii) to create and apply such rules to all multiple member bodies with specific exceptions; and/or

12) to create and to apply any other definitions within all or certain parts of the charter and /or bylaws to accomplish the purpose(s) of this warrant article;

or otherwise act thereon.

PURPOSE OF THE ARTICLE:

The objective of this article is:

- 1) establish a requirement that the ‘citizens concerns’ period of time at each committee meeting is for residents and taxpayers,
- 2) to define taxpayer as someone who pays real or personal property taxes,
- 3) to require that subjects raised at so called ‘citizens concerns’ pertain to the authority or responsibility of the board or committee
- 4) to allow the representative Town Meeting by by law to create rules governing boards and committees
- 5) to restore the provisions that meetings of boards and committees be called by the chair or 1/3 of the members and in all cases with notice to all members.
- 6) to clarify that residents and taxpayers who are not representative town meeting members have the right to speak but not to make motions or to vote.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#42	October 9, 2018	No Action	12-0-0

MOTION: (Requires a majority vote)

Move No Action

FINANCE COMMITTEE PUBLIC HEARING INFORMATION & DISCUSSION:

The sponsor of this article requested Town Meeting vote “No Action”.

-END OF ARTICLE-

Supplement #1 - Appendix

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Article 15 - Supplemental Information

The chart on this page is an updated version from the chart that was included in the Finance Committee Recommendation Book for Article 15. The chart below is considered the most current example of the **Debt Exclusion Impact**.

WEST NATICK FIRE STATION DEBT EXCLUSION IMPACT

	FY20	FY21	FY25 <i>(Hybrid)</i>	FY30	FY39 <i>(Final Debt Payment)</i>
<i>Incremental Tax Rate</i>	\$0.13	\$0.13	\$0.15	\$0.13	\$0.10
\$250,000	\$33	\$33	\$38	\$33	\$25
\$500,000	\$65	\$65	\$75	\$65	\$50
\$750,000	\$98	\$98	\$113	\$98	\$75
\$1,000,000	\$130	\$130	\$150	\$130	\$100

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Cochituate Rail Trail Advisory Committee



Fall 2018
Town Meeting
Report

CRT Report

- **Project overview**
- **ROW acquisition**
- **Interim Use**
- **Construction**
- **Budget**
- **Fundraising**
- **Upcoming work**



Out to bid!

- Advertised 9/8
- Bid opening 11/27
- Likely start Spring
- 2019
- 2 construction seasons
- MassDOT will confirm this winter



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LEGAL NOTICES				
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Hearing Notice

ANNUAL PUBLIC HEARING TO MONITOR THE OPERATION OF THE MEDICARE SUPPLEMENT MARKET FOR INSURANCE

Docket No. GZ018-02

In accordance with Massachusetts General Laws, c. 176A, §7 (b), and 211 CMR 71.23(1), the Division of Insurance will hold a hearing on the overall condition of the Medicare Supplement Insurance market for insurance contracts issued on or after September 1, 2018, at 10:00 a.m. at the Division of Insurance Hearing Room T-E, 1000 Washington Street, Boston MA 02118-6200.

The purpose of the hearing is to monitor the overall condition of the market for Medicare Supplement Insurance in order to improve access by individuals to coverage of this type of insurance. The hearing will focus on the following product selection, and to promote long-term financial stability of all carriers in the market. The hearing will be held in a public hearing room. The hearing will be held in a public hearing room. The hearing will be held in a public hearing room. The hearing will be held in a public hearing room.

This matter has been assigned docket number GZ018-02. An agenda of the hearing will be posted on the Division of Insurance on or before September 28, 2018. All other persons who wish to make oral statements will be permitted to do so at the hearing. Written comments in advance. Written comments may be submitted at any time before the hearing and thereafter until the hearing is closed. All submissions must refer to Docket No. GZ018-02. For more information, please contact the Hearings and Appeals, Division of Insurance, 1000 Washington Street, Suite 810, Boston MA 02118-6200 or electronically to docketcenter@mailbox.eaterius.us.

Dated: September 4, 2018

City of Boston Public Improvement Commission

Gary D. Anderson
Commissioner of Insurance

September 6, 2018

Ordered: That due notice be given that this Commission is of the opinion that in said City of Boston the following public improvements will be considered at the request of the petitioner: Exeter Systems Inc.

On a petition by the petitioner for a Grant of Location with lead company status to install new telecommunication facility shadow within the following public ways in Boston Proper:

- Arlington Street – generally between Newbury Street and Boylston Street – northeast of Dartmouth Street;
- Boylston Street – northeast of Boylston Street and northeast of Exeter Street;
- Dartmouth Street – generally between Boylston Street and Exeter Street – generally between Boylston Street and Newbury Street.

This Commission appoints September 20, 2018, at 10:00 AM, in Boston City Hall room 801, as the time and place for the Public Hearing to consider the petition of the petitioner.

CHRISTOPHER P. OSGOOD
GINA FIANDACA
GREGORY ROONEY
PENNY WOOD
PUBLIC IMPROVEMENT COMMISSION

A true copy of an order passed by said Commission on said day.

Attest:
Todd M. Lining, P.E.
Executive Secretary

LEGAL NOTICE
TOWN OF LEXINGTON
CONSTRUCTION
COMMISSION

Hearing Notice

ANNUAL PUBLIC HEARING TO MONITOR THE OPERATION OF THE MEDICARE SUPPLEMENT MARKET FOR INSURANCE

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Dated: September 4, 2018

MassDOT Highway Division Proposal
Massachusetts Department of Transportation

Electronic proposals for the following projects will be received through the internet using Bid Express until the date and time stated below and at that time publicly opened and read at 10 Park Plaza, Boston, Massachusetts 02116-3973. No paper copies of bids will be accepted. Bidders must have a valid digital ID issued by MassDOT in order to bid on projects. Bidders must accept for a digital ID at least 14 days prior to a scheduled bid opening date with Bid Express.

The Bidding for and award of the contracts for the following projects are to be in accordance with the requirements of Mass General Laws Chapter 30 § 39M.

DATE	PROJECT VALUE
THURSDAY, NOVEMBER 20, 2018 @ 2:00 P.M. WORCESTER: FAPA'S CMQ-003S/223X & HPP-003S/223X Construction of the Blackstone River Bikeway (Including Signals and Bridge No. W-44-04.1) (Soment 7) (695820)	\$6,344,000.00
TUESDAY, NOVEMBER 27, 2018 @ 2:00 P.M. FRAMINGHAM-NANTUCKET: FAPA'S CMQ-003S(2016), STP(TE)-003S(2016) & HPP-003S(2016) Construction of 16.3 mile of 8.5 foot wide multi-use trail along Routes 9 and 30 (Worcester Street and Commonwealth Road) (697732)	\$10,006,000.00
TUESDAY, DECEMBER 4, 2018 @ 2:00 P.M. DISTRICTS 4 & 6: FAPA NHP(NHS)-003S(188X) Resurfacing and Intelligent Transportation System (ITS) (29 Closed Circuit Television Cameras (CCTV), 3 Variable Message Signs (VMS), 2 Road Weather Monitoring systems, 2 Traffic counting Stations (TCS) along Scituate's Interstates 93, 95, 495 and Routes 1, 1A and 12B (695956)	\$5,514,000.00
TUESDAY, DECEMBER 11, 2018 @ 2:00 P.M. WORCESTER: FAPA'S CMQ-003S(187X), HSI-003S(187X) & STP-003S(187X) Intersection Improvements and Related Work (Including Signals) at Winthrop, Vernon, Providence and Adjacent Streets (695740)	\$3,962,000.00
TUESDAY, JANUARY 8, 2019 @ 2:00 P.M. HARVARD TO LOVELL: FAP, HPS, 465S(260Y) Fabrication, Installation and the of One-way and Two-way Traffic and Traffic Signs along a Section Interstate 495 (607919)	\$3,021,000.00

REVISION:
DISTRICT 5: Scheduled and Emergency Tree Trimming, Removal and Sight Distance Clearing at Various Locations in Area D (Excluding Martha's Vineyard) (608902)

TITLE HAS BEEN CHANGED TO READ:
DISTRICT 5: Scheduler and Emergency Tree Trimming, Removal and Sight Distance Clearing at Various Locations in Area D (Including Martha's Vineyard and Nantucket) (608902)

OPENING OF BIDS POSTPONED TO:
CHELSEA: FAPA NHP-00V-003S(180) Viaduct Bridge Repairs and Related Work (Including Painting Br. Nos. C-09-007 & C-09-011 (Steel) Route 1 over Various Streets and the MBTA Commuter Rail (605287)

Contractors intending to bid on any project must first obtain "Request for Proposal Forms" (R-109 Form), from the Prequalification Office, Suite 6260, at the above address, which form must be completed and submitted to the Director of Procurement for approval. Proposal documents will be available for review and download on the MassDOT website. Bidders may receive an informational copy of the CD containing the plans and specifications free of charge.

An award will not be made to a Contractor who is not pre-qualified by the Department prior to the opening of proposals.

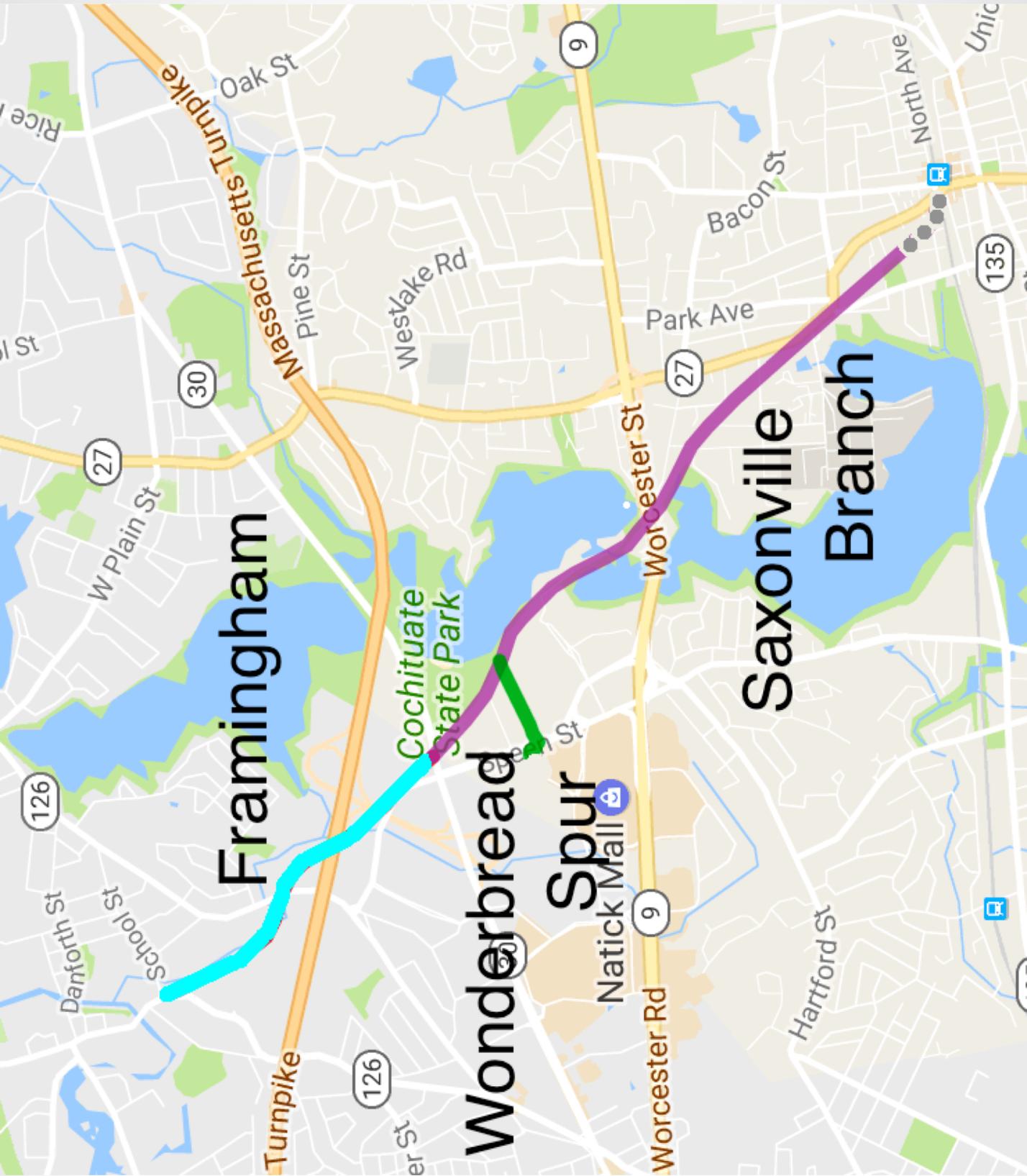
All parties who wish to be bid shipped to them must provide a completed mailing label with an approved carrier account number for overnight mail service (e.g. – Federal Express) to the Bid Document Distribution Center, Suite 6260, at the above address.

These are not final project descriptions. All information will be available on the website.

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Project Overview

- **2.4 mile, multi-use, 12' path from Natick Center to Framingham line at Route 30, connecting to existing CRT in Framingham**
- **Uses former Saxonville Industrial Track and Wonderbread Spur, active from 1846-2005**
- **1999 feasibility study; Town established advisory committee in 2006**
- **Design is complete; Natick section now out to bid, construction planned for 2019-2020**
- **Will connect to growing statewide trail network**



Land Acquisition

- **Saxonville Branch purchase: 2016 Special TM #2**
 - \$6,071,000: FAR Bonus, borrowing, donations
- **Wonderbread Spur taking: 2016 Special TM #1**
 - No cost to Town
- **Easements approved by 2018 Spring TM**
 - +/- \$40,000, Capital Stabilization Fund
- **11 Mechanic Street acquired by ConCom, 2007**
 - \$375,000, Conservation Fund (then General Fund)

Interim Use

- **Open dawn-dusk as an unimproved trail, until construction**
- **No motorized vehicles**
- **Route 9 bridge improvements courtesy Natick DPW, NE Regional Council of Carpenters. and other volunteers**
- **No public access south of Willow Street to active MBTA tracks**

Design

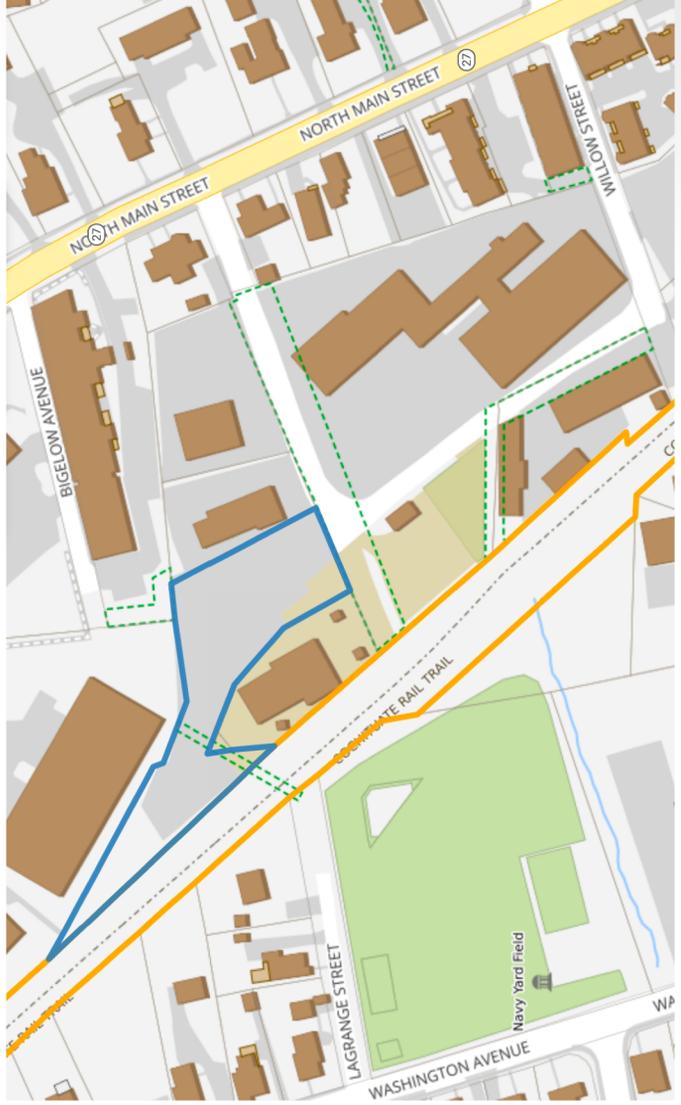
- **Conceptual (2010) through final (2018)**
- **\$1.1 million, primarily with mitigation funds dedicated to CRT and open space**
- **Public outreach and participation with MassDOT oversight**
- **Project excludes approach to Natick Center MBTA station (now in redesign)**
- **Project includes Route 30 improvements triggered by TJX expansion project**

Construction

- **Funded through Boston Metropolitan Planning Organization with 80% federal/20% state \$**
- **Contractor should be on board by Spring 2019; Town/abutter outreach, coordination follows**
- **Primary impacts are detours during bridge demolition/construction at routes 9/30**

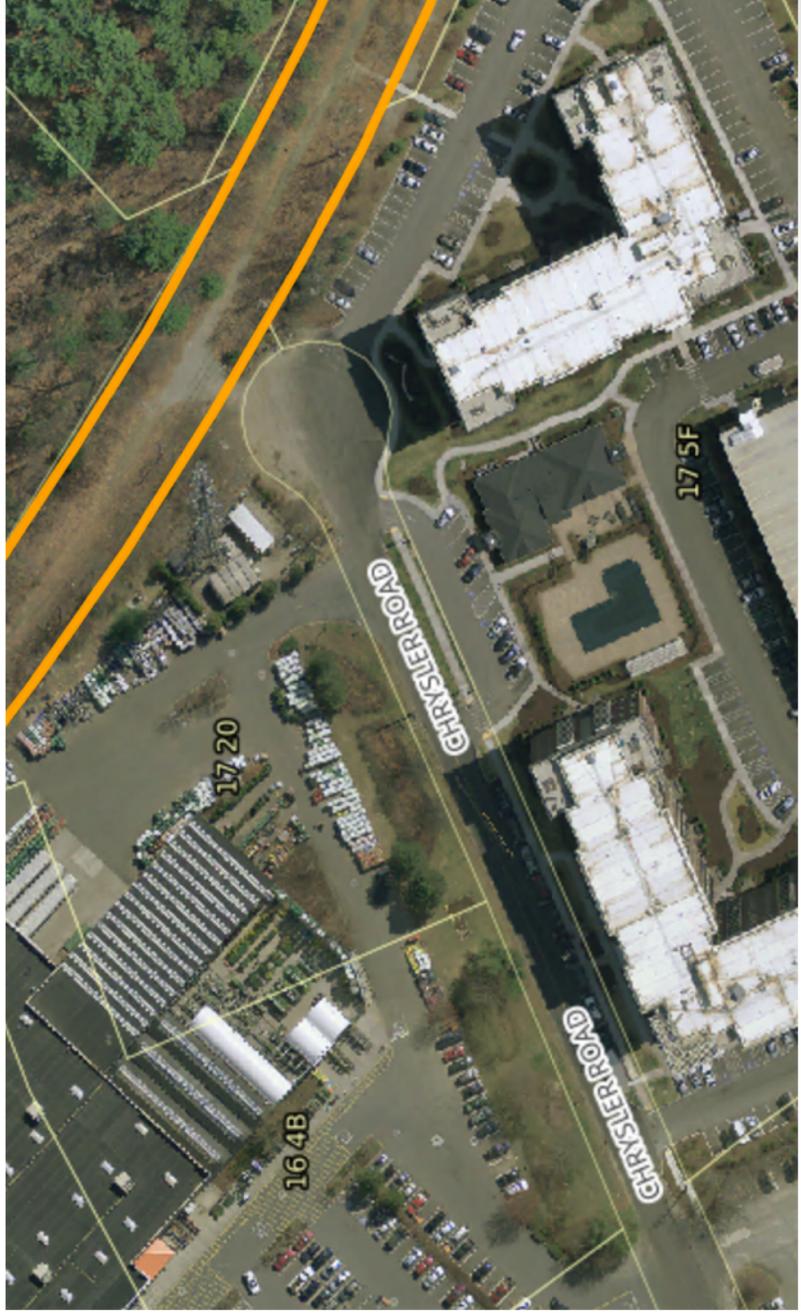
Parking

- Mechanic St lot acquired in 2007 under “right of first refusal”
- ~75 vehicles
- ConCom owns
- Project staging



Parking

- Additional parking at Chrysler Road
- Address parking concerns moving forward



Funding sources

Category	Appropriation Source	Budgeted Amount
Design & Due Diligence	Dedicated mitigation	\$675,000
	Chapter 40R/Smart Growth	\$200,000
	Free Cash	\$220,000
	subtotal	\$1,095,000
Real Property Acquisition/Easements	FAR Bonus Stabilization	\$3,100,000
	Borrowing	\$2,960,000
	Capital Stabilization	\$57,732
	Donations	\$11,700
	Conservation/General Fund	\$375,000
	subtotal	\$6,503,732
Construction	Federal Aid	\$9,659,462
	State	\$2,414,865
	subtotal	\$12,074,327

Pending expenditures

Category	Appropriation Source	Budgeted Amount
Design & Due Diligence	Expended	\$xxx
	Pending	\$xxx
	Contingency	\$xxx
	subtotal	\$1,095,000

Acquisition Assistance

- 2014 Transportation Bond Bill
- 2016 Economic Development Bill
- Formal requests for acquisition support in the MassDOT Capital Plan
- 2016 “repurposing” of federal earmarks
- 2017 Bridge naming rights legislation
- Additional sponsorships
- Corporate donations

Upcoming work

- **Coordinate with staff/MassDOT/BETA/contractor**
- **Abutter/public engagement**
- **Develop operations/maintenance/safety plans**
- **Site Plan Review with Planning Board**
- **Additional landscaping, coordinated with DPW**
- **Sponsorships, community participation (Friends)**
- **Connectivity, including abutters and...**
 - **MBTA station planning/future CRT connection**
 - **West Natick/Route 9 connection with MassDOT**

Trail connections

- Images of connections to MathWorks, Natick Labs, Modera, Avalon, etc.

For more information

- Natickma.gov/crt
- CRT Advisory Committee meetings