



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

Town of Natick Finance Committee

Meeting Date: February 1, 2018

The minutes were approved through the following action:

Motion:	Approval (as amended)
Made by:	Mr. Hayes
Seconded by:	Mr. Pierce
Vote:	7 - 0 - 3
Date:	2/13/18

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

February 1, 2018

Natick Town Hall

School Committee Meeting Room 3rd Floor

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

David Coffey, Member
Cathy Coughlin, Member
Bruce Evans, Clerk
David Gallo, Member left at (XXX)
Patrick Hayes, Chairperson
Michael Linehan, Member
Robert McCauley, Member
Jerry Pierce, Member
Daniel Sullivan, Member

MEMBERS ABSENT:

Dirk Coburn, Member
Cathleen Collins, Vice-Chairman
Philip Rooney, Member
Jim A. Scurlock, Member
Kristine Van Amsterdam, Member
Linda Wollschlager, Member

AGENDA:

1. Public Concerns/Comments
2. Meeting Minutes
 - a. Review and approve Minutes from January 23 and 25, 2018
3. Old Business
 - a. Finance Committee and Sub-Committee Process and Scheduling
4. Town Administrator's FY2018 Budget – Public Hearing
 - a. Facilities Management Department Budget
5. 2018 Special Town Meeting #1 Warrant Articles – Public Hearing
 - a. Article 2 – Amendments to the Town of Natick Zoning By-Law and Zoning Map
 - b. Article 3 – Amend Registered Marijuana Dispensaries Bylaw 323.8
 - c. Article 4 – Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses
6. Adjourn

CALL TO ORDER:

Meeting called to order at 7:07 p.m. by Chairman, Patrick Hayes

ANNOUNCEMENTS/CITIZENS CONCERNS:

Welcome back Jerry Pierce

Public Hearing: Town Administrator’s Preliminary FY 2019 Budget

MOTION

Move to re-open the Natick Finance Committee Public Hearing of FY 2019 Town Administrator’s Preliminary Budget

Moved/Motioned by:	Mr Linehan
Seconded by:	Mr Evans
Motions or Debates:	None
Vote: Carried	9-0-0

FACILITIES MANAGEMENT DEPARTMENT BUDGET Page 199
William Chenard, Acting Town Administrator
Janes Kane, Director of Facilities Management Department

Mr Chenard: Facilities Management Budget has a base budget request of \$3,238,705. With new initiatives, requesting \$117,267 for a grand total of \$3,355,972.

Mr Kane: On page 200 of the budget book, there’s an organizational structure that describes that the staffing within the department is a total of 47 full time employees. The budget is level-funded, excluding new initiatives. On page 201, there’s a roll-up of all the line items and the next page shows where we are and what we’re looking for this year. Personnel services 3% increase, Purchased Services 1.8%; increase, Salaries Supervisory minor increase on Custodial Supervisor slight increase for a new hire of \$3,800, Salaries Professional that’s the special Assistant which stands alone the increase is a merit increase; Salaries Operational is the union staff. On that particular line item is where the extra FTE came in – that’s the Collective Bargaining Agreement increases. Roughly about \$38,000 of that line item is an additional FTE. We hired this position last year due to the extra workload created by the modular classrooms to the Brown and Lilja Schools that added 16,000 square feet. We needed additional staffing to help clean that.

Salaries Part-time Operational I’m looking to hire a couple of part time employees to fill in for vacations over the summer. That helps accomplish summer goals.

Additional Compensation – this was also in the Collective Bargaining Agreement for training and some stipends.

Salaries Overtime with the new initiatives to cover vacancies – I want to clarify what we talked about in the sub-committee meeting. For emergencies, call-back contractual workers will come in on the weekend especially in the cold weather to check building, cover staff who are out rather than use overtime for that.

For the Rental Facilities Overtime that’s not applicable I’ll strike that and make a correction going forward. That is when a facility is rented on a weekend there’s a separate fund for the schools to pay for that.

Repair and Maintenance of Facilities: Takes care of all the routine maintenance throughout all municipal buildings except the schools. We're going to be taking on a couple of potential capital projects we'll need the funds to help participate in that. Repair and Maintenance Elevators is for purchase of services; Clothing Allowance is contractual; Contractual Services is the cleaning of Senior Center, Fire Station, Police Station, Morse Library, Town Hall, Public Works, Water Treatment, JJ Lane, and the Organic Farm. So we have a variety of hours -largest number of hours are at the library – the least number of hours would be JJ Lane. And that also allows us to do additional deep clean projects as time allows. As a whole, the total less the new initiatives, we are looking for a 2.9% increase.

New Initiatives:

Project Manager: I have been very carefully monitoring our department over the last three years. We have a large volume of projects that we push through our department that range in value from \$30,000 up to \$3 million dollars. We've made a lot of strides accomplishing the list of projects that were back-logged, but we have a lot that are coming ahead. We're trying to do timely building maintenance, increase reliability, and create efficiencies within the systems so we can upgrade and bring in new equipment at the right time after the efficient use of the old. To help manage all these projects, I'm looking for a Project Manager that could help accomplish these ongoing projects but also with planning. I need this person to help create a more comprehensive 5-year plan, (in addition I am going to create a 10-year plan) come up with a detailed pricing so that the five year plan really more closely reflects the cost of these projects. This person would help execute these projects by getting them out to bid, working with specs, working with engineers, contractors, oversee projects, do the paperwork, oversee the information and start cataloging the information so as we're doing projects we can understand the value and lifespan of certain assets to put information into the capital plan. When you look at other towns of similar size, they have construction departments with 1 to 3 project managers that help them run them. I want to make sure our department is doing timely and cost-effective maintenance.

College Intern: I'm trying to build a robust asset database. This will help us manage timelines for replacing assets that are realistic and correct and create accurate forecasts. A college intern would be a great help with that.

Custodian: Any given week we have 4 people out. Typically if someone is out for 8 hours we'll cover that with 4 hours of overtime. It's very difficult if someone is out 2 or 3 weeks to cover with overtime. So I think this would help to save on overtime – it's roughly \$75,000 per year to cover for vacancies – so I think this position even with the benefits this would be a good additional position. We're looking at models to hire part-time staff on call. It's very difficult to get reliable people. Average overtime rate is \$27 to \$35 per hour.

Mr Chenard: Contractual Cleaning Line Item. That line also covers hazmat coverage.

Questions:

Mr Pierce: on the Eliot School (Riverbend Lease) – what other projects does that building need?

Mr Kane: Renovate the first floor boy's bathroom – plumbing is failing.

Mr Chenard: We lease that building to the Riverbend School the name on the Town Inventory is the Eliot School. The Riverbend School as a condition of their Lease is responsible to pay any costs over \$10,000 for projects needed at that building. So we

won't spend that money unless the Riverbend School agrees to pay their portion of that project.

Mr Sullivan: With the rapidly deteriorating infrastructure at the Kennedy School – have you seen any trend that there's been an upward trend in cost to your custodial budget due to this deteriorating infrastructure?

Mr Chenard: Just the custodian's salaries not any other costs. The custodians in the school only do cleaning they do very little if any maintenance.

Mr Sullivan: I understand that but I've seen pictures of buckets of water catching what would seem to be an increased amount of maintenance and cleaning that needs to happen there?

Mr Chenard: My daughter is almost 30 years old and when she went to the Kennedy School there were buckets of water on the stairways. I'm not sure there's been a significant change in the workload for custodians there.

Ms Coughlin: The custodial floater – if no one is out sick and this person is on salary – what are they doing?

Mr Kane: In every building there's always a need to do some additional work and maintenance. One of the things we are trying to do is take better care of the floors. So we have a lot of rug shampooing, floor buffing, resurfacing of floors projects that need doing when time permits. When we have a special event in the building we would like to spend some extra time in some spaces and that would be an opportunity to get these things done.

Ms Coughlin: You mentioned that you had considered part-time and contract workers as an option?

Mr Kane: We would be looking to hire someone on-call as a part-time employee not to exceed 19 hours per week which would include no benefits.

Ms Coughlin: So you hire a custodial floater and we have that person forever – so how are you going to make sure that you know whether it's going to be a contract worker or a part time worker before you hire this custodial floater?

Mr Kane: I have found in my experience with hiring for these positions that you get more reliability if you have someone on staff. We would have someone you could count on to be there. Part-time people are not as reliable and they don't necessarily stay. Overtime is very expensive so I'm looking at this as a solution to that problem. I just think to have proper, timely, regular and reliable cleaning of the buildings this is the best course to take – to have someone on staff. I'm just looking at creative ways because right now we use expensive overtime and even then it's very hard to get the staff to cover it because with the snow, illness – not everybody wants the overtime.

Ms Coughlin: Are we looking at an increase in the budget for the part-time person? Mr Kane: Yes, there would be an increase but I think we're looking at a direct offset of the overtime. So I would look initially, if we approve this budget as it is, even though I can't move it my aggregate at the end would reflect that.

Coughlin: College Intern? Did we have one last year? You have it for recurring?

Ms Kane: We did not have one last year.

Coughlin: But you have it for recurring?

Mr Kane: Yes – I would like to have it every summer because there's a lot of paperwork that I could really use this person for and we have a database for assets and projects that is a lot of data entry time.

Ms Coughlin: The new classroom modules led to an increase in salaries? Was that increase in staff?

Mr Kane: Yes one FTE. Chenard: It's a split Custodian – split between two schools. Mr

Linehan: Total new initiative is \$117,267 of which \$800 is expenses and the other is salary –

Mr Chenard: Benefits are not in this budget.

Mr Linehan: All three of these initiatives have been approved?

Mr Chenard: Yes.

Mr Sullivan: At least one shift a day you're out an 8 hour shift?

Mr Kane: Yes

Mr Sullivan: On average, you would say at least one shift per day you're backfilling an 8 hour shift with 4 hours of overtime? So you're paying 75% for 50% of the work?

Mr Kane: Yes.

Mr Sullivan: And by hiring this floater you get 100% of the work for 100% of the pay.

Mr Kane: And I can reduce my overtime line item to offset that. That would be my goal.

Mr Chenard: One other point when we put a fulltime staff member on we can train them on the building systems so we can use them in case of an emergency – you can't use contract cleaners for building systems issues.

Mr Hayes: The basis for the motion is the Facilities Management Handout 2-1-18.

MOTION

Move to recommend favorable action on the Facilities Management Department Budget as described in the Facilities Management Department Handout 2-1-18 in the amount of \$2,732,672 for Salaries and \$623,300 in Expenses for a total of \$3,355,972

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Sullivan
Motions or Debates:	<p>Evans: You've done great job over the last year. My experience is you've been doing a lot of work with the Kennedy School Building Committee I can see you're doing a lot of work with not a lot of support. Having someone who is a part time but known person for custodial support is a good thing to have both for coverage and security risks – definitely endorse these positions.</p> <p>Sullivan: We have hundreds of millions of dollars' worth of town facilities. I've had the good fortune of spending a bunch of weekend days lately at the high school and I see families come from around the state and they just marvel at the facility. I think that one of the things that is notable that Natick takes care of their buildings people are paying attention even after big capital investments. I commend your staff I think you do an exceptionally good job from what I've seen. I commend you on having the foresight to plan ahead and being proactive.</p> <p>Mr McCauley: I want to offer a few comments regarding the sub-committee meetings. We spent about two hours with Mr. Kane – a couple of points came up that dovetail with the presentation we had the next day with Public Works and one is the difficulty of attracting people for these types of positions. I think the way Mr. Kane is looking to structure these things with the different positions is the way to go because you do want reliable people. We have nearly a billion dollars of physical assets that are under his supervision and he is trying to be proactive with preventative maintenance and I support it.</p> <p>Ms Coughlin: You have made great strides with this department. Project Manager salary of \$70,000 I'm not sure you're going to attract the type of person you want for \$70,000 so I won't be surprised if you are asking for more or if you do something to maneuver salaries. Your college intern – someone's going to be luck to do that – I just don't see it being recurring and I probably won't be on this committee but I might</p>

	<p>be sitting in an audience asking – what are you going to have that college intern doing for – you know, \$10,000 is a good sum for that person.</p> <p>Mr Coffey: I was fortunate to be in the subcommittee meetings, it was an excellent presentation and this is a department that has a history of turning money back. They do an excellent job of staying well within their budget and I think there’s a lot to be commended for the work that’s going on.</p>
Vote: Carried	9-0-0

Move to open the Special Town Meeting #1 Warrant Article Public Hearing

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Linehan
Motions or Debates:	None
Vote: Carried	9-0-0

Chair Hayes: The Motion that was distributed earlier in the day was not vetted by Town Counsel. A reviewed and corrected Motion was distributed at the meeting and will be titled:

2018 Special Town Meeting #2 Motion – Town Counsel Approved 2-1-18

Verbiage taken from handout called “2018 Special Town Meeting #2 Motion – Town Counsel Approved 2-1-18”

Mr Chenard: Last July, the previous Town Administrator met with several people regarding Mechanic Street and several things that were going on surrounding Mechanic Street. At that time we realized that several of the properties on the northwest section of Mechanic Street (not a public way for most of the street) were not zoned properly for the town to have access to the parking lot that we bought. We have an access easement but not for the general public or major parking for major events. We would need to acquire an access easement or an eminent domain taking of that roadway from the property owners that have a right to that roadway to get to the parking lot. One of the issues that came up was that several of those properties are zoned industrial and have very differing uses that aren’t necessarily compatible with walking down sidewalks or bike riders going to the rail trail for recreation purposes. We realized that if we leave downtown and drive north on North Main Street once you get past the Pizza Palace and Natick Cab properties, every single property going north except for this little island off of North Main Street is now either residential, allowed residential or 40R which is residential. The truth is that the Town Administrator, myself and the Community and Economic Development Director had some brief conversations but it really got pushed aside. Other things happened and the Town Administrator left and it wasn’t on my radar until December when we were looking at the Navy Yard Field and one of our staff members said if we had overflow we’ll park them on Mechanic Street which is when this issue re-surfaced.. Until we get easement rights down that street we can’t put vehicles and pedestrian traffic or parking on that road. We’re working very hard toward that, meeting with property owners to get there so we can clean that stuff up. My only regret is that I didn’t talk to the Planning Board – this is a zoning change and I should have talked to the Planning Board and let them know. At the last minute, we chose to put this on the Special Town Meeting warrant because we wanted to avoid any issues that might delay the Navy Yard Field construction that could cost the town an extra \$250,000 in delays. The other option

would be to delay both projects which would not be very popular with Natick citizens. I am asking you to please include the properties on the Northwest side of Mechanic Street in the HOOP-II zoning district.

Questions:

Mr Linehan: Is the intent of this to simply be able to extend Mechanic Street?

Mr Chenard: It’s to allow these properties to change their use to residential from industrial.

Mr Linehan: By doing it as a HOOP-II it could still be industrial?

Mr Chenard: Yes but our hope is that it will end up being residential.

Mr Linehan: Parcel 105 and Parcel 105A . . . the map as shown doesn’t show that as being included in the HOOP-II but it is right?

Chenard: Yes it should be in the HOOP. Chenard: The parcel you are talking about is owned by the Town of Natick and it’s under a deed restriction so it will never be residential - 41A does not physically exist at the 2017 assessment maps. This is scheduled to be heard by the Planning Board on February 28th.

Chenard: You are going to note on the Motion, especially if you look at the redline version that Parcel 41A doesn’t exist anymore it was combined by plan when they did condos previous and by a Deed filed with the Registry. I was combined with lot 40. So 41A we’re taking it because it doesn’t exist on the 2016 – assessors maps.

Point of Clarification:

Mr Evans: I neglected to say when the Planning Board was hearing this which is their next meeting on February 28, 2018.

MOTION

Move to recommend Favorable Action on 2018 Special Town Meeting #2 Motion – Town Counsel Approved 2-1-18

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Linehan
Motions or Debates:	<p>Mr Evans: I thank Mr. Chenard for the chronology because some of us were puzzled with the “why now” question. I look forward to seeing future things from the Planning Board that might make things even more coherent.</p> <p>Mr Linehan: I look forward to hearing the Planning Board’s input confirming it because – I understand doing this and trust Mr. Chenard but I will be much more comfortable once the Planning Board gives affirmation to it. And if they for some reason decide that it’s not a good idea, presumably we can bring it up for reconsideration.</p> <p>Mr Sullivan: Between the investment the town has decided to make in the rail trail, the refurbishment of the Navy Yard Field . . . if you’re going to augment the services that are being delivered in that particular area . . . I commend the forward thinking on this.</p> <p>Mr Hayes: I’m happy to support this I think it makes a lot of sense.</p>
Vote: Carried	9-0-0

Special Town Meeting Article 4 – Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses

George Richards, resident 65 Everett Street Natick Precinct 10 – also a practicing Real Estate Zoning Attorney with offices at 8 Pleasant Street in Natick. I have an indirect financial interest in this Article insofar as I am representing a potential buyer of property at 0 Tech Circle looking to get permission for recreational use.

Mr Hayes: Members, the fact the fact of his disclosure does not change that he can still be the sponsor of a petition article or represent a sponsor of a petition article with or without an equity interest direct or indirect – he’s disclosing because that’s what he is required to do.

Mr Richards: For historical purposes this article is generated out of the Tech Circle and Michigan Drive area, often known as the East Natick Industrial Park. There are a number of recreational facilities in that area even though they are not allowed by the zoning by-law. Use 12 in the use table – it’s allowed in C2, by special permit in downtown mixed use but it is not allowed in Industrial 1 or Industrial 2. Prior to 2013 I had obtained use variances from the Zoning Board of Appeals for some of the businesses operating there now. In 2013, Town Counsel opined that our zoning by-laws do not permit use variances; by statute they have to be specifically authorized. When I did appear before the Zoning Board of Appeals in 2012, they urged me not to come back and seek additional use variances for recreational use – they would have rather seen the property re-zoned. There’s been some talk to add recreational uses as an allowable use in that area. My client currently has Zero Tech Circle under agreement. The 0 Tech Circle property was subject to some litigation with Richard Gill who wanted to use it as light manufacturing and car storage and it was very controversial it went through both the Zoning Board of Appeals and the Planning Board. At this point, Mr. Gill has decided to terminate the transaction and walk away. My client is looking to construct a three-court volleyball “bubble” or building that would be a volleyball club with indoor sand. It would go through a special permit process and site plan review with the Planning Board. One of the problems with Rathbun Road was the neighborhhod - I ended up appealing the ZBA decision. They’re pretty much thrilled with this proposal as is provided in Use No. 12 the building has to be set back 100 feet from any residential district which is significantly more than if an industrial use were proposed. 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 at 19 Tech across the street at Huron Ave. There’s also a Yoga Studio. The impetus of the Article is to try to legitimize those uses – many of them are under use variances that are arguably questionable if we didn’t have the authority to issue them even though Town Counsel opined that they wouldn’t be affected by his opinion. I think it would be good for the District to allow those uses both now and in the future. The proposal would be to make this allowable by special permit so they would have to go through site plan review and the special permit process with the Planning Board.

The question that then came up – the easiest and quickest fix to the by-law from a zoning attorney standpoint is to change the “O” to an “A” in the Industrial 1 Zone. Explanation of “O” and “A” comment: If you have the zoning by-laws, Use No 12 in the Use Regulation Section – allows the use in C2 the only area it’s allowed by special permit under the current zoning by-laws. By way of asterisk, it is allowed in downtown use by special permit. But currently there’s an “O” under Industrial 1 and Industrial 2 for that use – which means it’s prohibited. And so there is no regulatory path for recreational use

right now because there's no use variances and it's not allowed in the by-law. So an "A" in C-II would mean it's allowed by special permit. The asterisk at downtown mixed use (DM) and that sends you to the DM by-law wherein it's allowed by special permit. The easy fix would be to allow these uses in just Industrial-I zones at Tech Circle, Michigan and the other side of the street. The HOOP district and DM use is also Industrial-I. There is a section over by Mercer Road and Strathmore Road. Those are the three In-I zones in town. So if you allowed those by special permit in those areas the "O" could be changed to an "A" and it would allow those uses in those zones by special permit.

In discussions with the Community Development Director and others in the community, there's some concern over the Mercer Road / Strathmore area being 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. There also is Little Flippers, a children's school for recreational use and gymnastics located at 7 Strathmore. One could argue that having recreational use in that area for employees and such could complement that area for technical R&D uses. I spoke with Gary Holmes who manages the Natick Business Park (Tech Circle area) and he said probably most landlords would prefer to rent to R&D or more biotech incubator type tenants but that having this use they don't have to rent to them but that it would be a use that wouldn't be a problem but that may not be a highest and best use. There is a Metrowest Jui-jitsu classified as a school but indirectly recreational in the downtown HOOP area.

I drafted different motions because these three industrial zones have small differences in their characters and to allow to adjust to the Tech Circle/Michigan area if that's what the Committee and the Planning Board want to do. Unfortunately, the Planning Board doesn't meet until February 28 and I'm not sure where that's going to leave us if Kennedy Middle School funding gets approved on February 27th because Town Meeting cannot vote on zoning articles until the Planning Board has held a public hearing and has made a recommendation or report to Town Meeting.

Mr Hayes: The comments of Mr. Richards just shared may be completely correct, but the Moderator is the final arbiter of what happens at Town Meeting because the Moderator runs that meeting and gets to decide which articles come before Town Meeting. We're an independent advisory board to Town Meeting and our job is to produce a recommendation on all articles on the warrant to Town Meeting. If you form an opinion that an article should or shouldn't be on a specific warrant, that's you're right to do so but the citizen has a right to file a petition because the Selectmen approved a warrant. The fact that the Planning Board is meeting on the 28th is the Planning Board's decision, We've got to get a recommendation to Town Meeting seven days in advance of the 27th which means we can't wait to hear this article until another body who also hears the article hears it. We give an open and independent recommendation – I just want members to remember that as we go forward.

Mr Richards:

Motion 1 allows use by special permit just in Industrial-I.

Motion 2 allows it in industrial-I and in industrial-II.

Motion 3 by way of an asterisk in the use regulation schedule so that the "O" would have a double asterisk under Industrial-I with a note below that the use would be allowed but limited to just that area and not to all Industrial-I zones.

Option 4 an Indoor Recreation Overlay District that would be for Use 12 and the two requirements in that Use 12 were that the building be so insulated and maintained as to confine noise to the premises and two that the building is located not less than 100 feet from a residential district.

Motion B:

To amend the zoning map to include all the parcels that I have identified into the indoor recreational overlay district.

Hayes: We won't take direct questions on what's happening inside that parcel – we're not the Planning Board, we're not doing site plan reviews, and the scope of the article is not to a specific lot. We'll hear from the public so if they support this that's their right and if they don't that's their right too. Mr. Richards, which motions do you prefer to use?
Richards: I prefer motion 3 with the asterisk first, then motion 4.

Questions:

Mr Linehan: Is there anything in your motion that would require any building whatsoever that you could theoretically have and open beach volleyball court with no building whatsoever?

Mr Richards: The definition of Use 12 is indoor amusement and recreational.

Mr Linehan: The east side of the East Natick Industrial Park is relatively close to residential areas - are those bubbles considered relatively sound proof?

Richards: He's going to have to prove the bubble does contain the noise.

Hayes: If someone has done a study – if we have a fact set – I want to avoid getting an anecdotal opinion.

Mr Richards: I think these bubbles are insulated because they have to be heated so my bet is that they are insulated for sound because there are a lot of tennis facilities that have them. But that would be something to review with the Planning Board.

Mr Linehan: Industrial parks were created to provide isolated areas for light industry – what would be the employment – how much employment is provided in indoor recreational facilities vs. manufacturing jobs?

Mr Richards: It would depend on what the industrial use was – I don't think it would have as many employees as an industrial use.

Mr Pierce: Who is your client? What is the use again?

Richards: Steven Medford (sp?) is the client and he has the site under agreement. Indoor sand sports volleyball sports on sand – soccer possibly.

Mr Pierce: If those sports don't prove profitable what do you envision for the property use?

Mr Richards: It's going to be restricted to that depending on how many members etc. But I believe that the financing it's not essential in terms of the number of members for sustainability that there's already a strong core of people who want to join that will sustain in his opinion for as long as he can play volleyball.

Mr Pierce: What is the general reaction from the neighborhood?

Mr Richards: I represented a couple of the abutters on Rathbun Road at the Zoning Board of Appeals when the prior proposal was put forward. Because of my prior involvement, I had to reach out to them again when I was contacted by Mr. Medford to make sure they were okay with me representing Mr. Medford for both the zoning change and the special permit because there could be a conflict of interest. Both those people waived any conflict and said they like the project. So that's all I can speak to.

Mr Hayes: The change to the zoning that you're proposing through this article is to allow any kind of indoor recreational use?

Mr Richards: Yes.

Mr Hayes: Hypothetically, if this passes Town Meeting if a person wants to put in an indoor racetrack in that space could they do it?

Mr Richards: In theory if it was insulated enough to contain the noise yes. You're correct I think it could be any indoor recreational use.

Mr Sullivan: Given that there are four possible motions here would it be fair to say that as you go through the process with the Planning Board, would you intend to use the one that best serves your client's goals?

Mr Richards: Yes it would be my intention to only submit one motion for Town Meeting approval. I thought it was important to get both public input and the Finance Committee and the Planning Board to try to direct which motion is the best.

Mr Hayes on process: I didn't have an opportunity to speak with the Moderator – Town Meeting entertains a motion – I will ask the Moderator but my expectation tonight is that by direction of the Sponsor or by decision of this committee we vote some positive action – approval, postponement or referral – would like us to have a motion voted with an outcome of some kind.

Mr Sullivan: On the totality of Article 4?

Hayes: He has presented us with four options but there's only one motion before us. Each member can pick whatever motion they see fit – we can debate all the motions if necessary - but there will be only one ultimate outcome. I'm going to ask the sponsor to tell us which motion he likes and it's up to each Finance Committee member to choose from the options in front of them what to do.

Mr Linehan: It says "indoor amusement or recreational place or place of assembly provided at the building" is it your understanding that "place of assembly" includes amusement and recreation? That it cannot be a place of assembly other than the purpose of amusement or recreation?

Mr Richards: That would be my interpretation of the reading of it.

<r Linehan: Do you know if that's the general interpretation?

Richards: I believe that's how it has been interpreted in the past.

Coughlin: Motion number 3 has the asterisk that it will only be by special permit and in the East Natick Industrial Park, right? So is that spot zoning?

Mr Richards: No because of the number of residents that are affected but I don't see how this could be spot zoning.

Mr McCauley: On this proposed project would there be service of food and beverage?

Mr Richards: I do not anticipate that – possibly catering but there is no kitchen planned or food facilities.

Mr Evans: Are the Differences between Motions 1 and 2 is just that In-II is included in Motion 2?

Richards: Yes. I wanted to show you that Industrial 2 is primarily in the regional corner over by the mall – the purple zones are all Industrial 2.

Public Comments and Questions:

Susan Simone Cay (phonetic) 49 Rathbun Road and abutter: I've attended the hearings relative to Zero Tech Circle for the past three years so have some familiarity with the seller, the previous project, the current project, but not with this board. I've not seen the four motions so it's difficult to distinguish which one of the four appears to be the one that more directly addresses the concerns of the neighborhood. As it was represented to us, the best that I understand it we understood that the purpose of the meeting today was to address Motion 4. That was all I was aware of prior to attending this meeting so I have to say that without knowing in better detail what the four motions actually entail directly for the neighborhood I'm not able to form an opinion because I have not seen the material. I'd like to make it clear what our concerns are. Particularly regarding our understanding of Option 4 is that the building itself would be 100 feet from the boundary line of the property and so all of us really appreciate the fact that the applicant has tried to put the building as far away from the neighbors in terms of quiet enjoyment, light, sound – some of the things that have been raised here today. I do not know whether the other three motions accomplish the same end. I would ask the board to take into consideration that we were not aware of motions 1 through 3 but were happy with Motion 4 because of the 100 foot boundary. I would also like to say on behalf of a mother who is the closest

to the property and who could not come because her children have the flu, I want to make sure that option isn't foreclosed simply by accepting one of these other motions.

Mr Hayes: Mr Richards, do all four Motions require the setback to be 100 feet?

Mr Richards: Yes.

Claudia Billings (phonetic) 55 Rathbun Road, direct abutter. I wanted to give the reasons why we want to support. What we see is we like the total square footage is more reasonable than the previous project. We like that the objective that they mentioned is that they don't want to disturb the surrounding property – they want to leave the natural habitat and we appreciate that.

Mr Julian Munnich, Speaking as Citizen and Member of Planning Board

I have two questions – the date the Spring Annual Town Meeting Warrant Closes?

Mr Hayes: Thursday, February 8 at 5 p.m. I believe.

Mr Munnich: Looking at the Warrant Article wording as posted it appears that changing definitions would be ruled out of scope and if that is the intent of the proponents or just an incidental effect?

Mr Hayes: Mr. Munnich I'm not disputing your statement – what do you think you see in the article language that precludes what may be a change of definition?

Mr Munnich: It's specifically does not include allowance or provision for amendments to section 200 definitions.

Mr Hayes: The Moderator would be the final arbiter of whether definitions can be included or not but typically one would expect to see definitions as one of the things that an article is asking to be changed. That may be up for a Moderator's opinion.

Mr Munnich: I am reticent to enter into debate prior to the Planning Board opening its hearing but the good news is with an article of such complexity that it walks into the room with 4 motions that there is an alternative open with a more generous timeline for untangling some of these issues and may be augmenting a shortfall in the article as posted to achieve the result that parties would like to accomplish.

Mr Hayes: The question on definitions is that specific to only one of the four motions or all of the motions?

Mr Munnich: Use is especially very broadly bounded ones rely on what is defined as qualifying for that use and as members of this committee have noted the stated use here has a very broad panoply of potential outcomes and much of the presentation is tilted towards one end of the spectrum but as the chair has kindly noted it's all open under this item so to the extent that there is refinement desired that ability for Town Meeting even on the floor to make a floor amendment to refine a definition isn't available.

Mr Hayes: Motion No 1 is looking to change the use regulation schedule of Recreational Use No 12 – that's not making a change to the definition in my view or have I overlooked something?

Mr Munnich: It doesn't change the use it just takes it in its entirety and puts it forward there.

Mr Charles Allen (phonetic) from Stowe MA. It is my mother's property that has brought up this issue. I wasn't going to speak because I'm an interested party but when Mr. Munnich talks about a delay, I become concerned. We've been through this process for over two years now. In the meantime, my father has died and we're looking for a resolution so that my mother is set up better financially. So when you're considering a delay, please remember that there are people involved it's not just an issue. On the other hand – I will weigh in on one other thing while I'm up here, and that is that I talked to a number of people about this because we've been searching for something that would work for our neighbors – we're allowed to put something ugly in their backyard low impact in their back yard, so I've been talking to people. They're talking about wanting

more recreational facilities around us and we’re just seeing them pop up all over the place and I think that’s great for us.

Mr Hayes: Mr. Richards does anything you’ve heard here cause you to reconsider any of the motions that you have put forward? And regardless of that answer what is your preferred motion?

Mr Richards: No although if this doesn’t go forward – my intention was not to get into the definitional side but Mr. Munnich raises some good questions and there have been some questions tonight on exactly what is the recreational use that might be able to be defined. But given the motions here, I don’t think they are affected by that because I am not changing any definitions. I took the existing definition of use right out of the use table. We can take out Motion 2- I think the Industrial-I is probably the better option and so I guess it would be Motion 1 or 3 – the overlay district is fairly simple and clearer than asterisks so the order would be Motion 1, Motion 4 and Motion 3 in that order. I also realized that the language says East Natick Industrial Park – it really should say “on the east side of Oak Street” in the East Natick Industrial Park. I originally thought East Natick Industrial Park was only on the east side but it also includes on the west side and we’re not looking to re-zone parcels in that area. With the permission of the motion maker, I would propose adding the words after special permit on the first line of the note to add the words “on the East side of Oak Street” just for clarification.

MOTION

Move to recommend favorable action on Article 4 – Motion 3 as presented in the documents provided by the Petitioner and amended with the following language change:

Change language from:

Note: use No. 12 above should be allowed by special permit, in the East Natick Industrial Park.

to:

Note: use No. 12 above should be allowed by special permit, on the East side of Oak Street in the East Natick Industrial Park.

Moved/Motioned by:	Mr Sullivan
Seconded by:	Mr Linehan
Motions or Debates:	<p>Mr Sullivan: Special Town Meetings are messy and the scheduling did not work to our favor. When you align logic and you look at something you can be compelled to move forward. We have a petitioner that would require a change in the zoning so they could build a facility that would derive a public benefit. We have neighbors that are in favor of the proposal, and we have as Seller who is motivated to move this quickly. When you see the collaboration of those three entities looking to make something happen in essence motion 3 creates a de facto indoor recreation district – and if you were to ask me before tonight if Natick had an indoor recreation district named I would tell you it was at Tech Circle. So in essence, the option that neatly and succinctly enables to extend a use which is very pervasive already in a particular area Motion 3 is the most acceptable of the options.</p> <p>Mr Linehan: This is not so much as re-zoning as a recognition of reality – I’m generally adverse to doing zoning on the fly but this seems to be a high potential, low-risk maneuver and I don’t</p>

	<p>see why delaying it a week and a half will benefit us as the Planning Board still will not have heard it.</p> <p>Mr Pierce: I will always lean towards the neighbor's will on an article like this – I've heard issues on this property over the years – and the neighbors are in favor of this so I'm going to support it.</p> <p>Mr McCauley: I'm going to support Mr. Sullivan's motion. He came up with the key point that we already do have a "zone" of this sort of use and from hearing the abutters, they're in favor of it, I think it's a net positive to the town and this it probably the least intrusive use – so I'm in support of it.</p> <p>Mr Evans: For many of the reasons previous speakers have put forth I agree with this – my advice to Mr. Richards to meet with the Community and Economic Development office to potentially introduce a modified motion at Town Meeting that will serve the town's interest best while also aligning with the buyers and the abutters' interests.</p> <p>Mr Gallo: I understand the folks supporting postponement and I agree with you to some extent but I don't think any of the issues would stop me from supporting this. I enjoy seeing the folks from the public hear and we appreciate you coming out and hearing what you have to say and it makes it that much easier to support.</p> <p>Mr Linehan: I think the maker of the motion and I both feel that the restriction of this to not every industrial area but only to this specific one is a benefit. The abutters to this specific industrial area appear to be in favor of this. We did not notify nor have we heard from abutters of Mercer Road or any of the other industrial areas. If we were to apply this in a general way we could be doing them a great disservice without notifying them that we were going to be changing the usage of industrial zoned areas near them. So this is very specific and very targeted and I think that is a benefit not a detriment to the motion.</p> <p>Mr Hayes: Point of order: The Warrant Article filing declares the what the scope of the article is and it is fair warning to every citizen of the town and every property owner in town and it speaks to the industrial areas across the town – not just a specific industrial area so – I understand your point Mr. Linehan but the residents and property owners at Mercer Road have been given fair warning. The focus of this conversation has been more on East Natick but that's by the choice of the Sponsor of the Article and the direction that this committee took the conversation but if somebody showed up from Mercer Road and wanted to speak to this they could have. That has to be said for people listening at home.</p> <p>Mr Hayes: I will support Mr. Sullivan and Linehan's motion, I'm comfortable with it and understand the points Ms. Coughlin and Coffey have made. We try not to make changes to anybody's motion – but it's a practice that we don't typically like to do. But have done. It's not that it's not in our practice but it's a practice that we really don't like to do. I think in many cases it is up to the citizen to bring us a perfected motion but that doesn't preclude us from making changes if we so desire.</p>
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	It's very possible that if the motion for postponement carries we could be handed a perfected motion and that's up to the proponent to decide. I'm comfortable with Motion 3 so I intend to support that.
Vote: Not Carried No Recommendation	7-2-0

MOTION

Move to postpone until Tuesday February 13

Moved/Motioned by:	Mr Coffey
Seconded by:	Ms Coughlin
Motions or Debates:	<p>Mr Coffey: I hate to see zoning matters rushed for the sake of the convenience of the sellers, buyers or abutters. That's not what we should be looking at. I'd like to see this brought back fine-tuned. I have nothing but the utmost respect for Mr. Richards but just the matter of process – things should not be amended after a motion is made before us – bring it forward in a more organized fashion and I have no problem with this.</p> <p>Ms Coughlin: I have nothing to say about the motion to move it – I will speak to the main motion and say that I am leery of it, I'm not going to vote for it and the reason is because it got so specific. I didn't like the asterisk down the bottom with specific lots, I would rather have seen it in all of the Industrial 1's across town. I know it's not spot zoning I understand that but what's presented here and then what was amended is even more narrow so to me – not spot zoning, but we know we're talking about a specific parcel.</p>
Vote: Not Carried – No Recommendation	1-8-0

Hayes: For a Warrant Article vote to carry, there must be a minimum of eight favorable votes. The Sponsor is not precluded from bringing the matter before the Financial Committee a second time if there has been a substantial change to the matter to warrant reconsideration.

ARTICLE 3 Amend Registered Marijuana Dispensaries Bylaw 323.8 (Tara Hopper Zeltner et al)

Ms Hopper:

This is very similar to the Warrant Article that was before you several months ago regarding the 2 to 6 Worcester Street area which is currently the 9 East Wine Emporium. My client is seeking to give up their liquor licenses and start a medical marijuana business. This article asks that this be allowed.

Mr Hayes: Late this afternoon, I forwarded members an email with attachments including a zoning map and a redlined version of the zoning bylaw changes and it is now on NovusAgenda. Ms Hopper - the language that you have in question one on the questionnaire in keeping with the language that you have is not an appropriately formed motion because it doesn't begin with the word "move to amend the Natick zoning bylaws" so I took the liberty of making the edit and I would ask members if they are willing to accept that edit so her motion which is in the questionnaire would read to begin with "Move to amend the Natick Zoning By-Laws" and everything else stays the same

except I would remove the “otherwise act thereon” which is perhaps part of the article language but not necessary for the motion.

Questions:

Ms Coughlin: What makes this not spot-zoning?

Ms Hopper: Because it is not for the sole benefit of the owner it has a public benefit which is the health benefit vs. the current use which is alcohol which does not have any benefit. We’re looking to only do the medical marijuana dispensary which requires a medical card not the recreational.

Ms Coughlin: If this were to pass and then a facility were to open with medical marijuana is there a benefit to the town financially?

Ms Hopper: No there isn’t the tax benefit – small for the host agreement for the license – but not tax money for the town.

Ms Coughlin: If this passes, not zoning, but rules for the facility itself? So is there another hurdle to open a medical marijuana facility.

Ms Hopper: Yes. You still have to meet with political boards and go through that process.

Mr Pierce: What has the town of Wellesley reacted with this being close to their town?

Ms Hopper: I haven’t had anyone come to me with a negative reaction.

Mr Linehan: The proposal language says “from a Town of Natick boundary line to a Town of Natick boundary line exempting the boundary line of the Town of Natick and the Town of Wellesley” what is it that makes the boundary line of Wellesley distinct from Natick boundary lines with other neighboring towns?

Ms Hopper: The reason was this particular property is that it was less than 75 feet – there’s a piece of property between 9 East Emporium and CVS an undevelopable piece of land and that was the area is shorter – I made it specific only to Wellesley because of the way Natick is shaped in that particular area on that boundary line and what properties are available over there. It was requested that I keep it general.

Mr Linehan: Do specific conditions for example – significantly different on the Wellesley Natick line at route 9 than the Natick Sherborn line at 27 which also basically is swamp land in between?

Ms Hopper: I’m sure that if somebody wanted to put a dispensary in an area near that swampland that would be something they would look at and inform the people in Sherborn about but this was only specific to the 26 Worcester Street 9 East Wine Emporium Building which is on the Natick Wellesley line and is why we made it specific to Wellesley.

Mr Linehan: Are you saying that – you feel that the relieving of zoning limitations can be done on ... that it’s ethical or legitimate that they be lifted on a property by property basis restricting everybody except certain property owners who come before and ask for specific favors in a sense?

Ms Hopper: That would be spot zoning if it were for the sole benefit of the property but it’s a public use so we would be providing medicine and therefore it would not fall into that category.

Mr Linehan: The current property is a wine or wine and liquor store?

Ms Hopper: Wine and liquor store.

Ms Linehan: Could a wine and liquor establishment be co-located with a medical marijuana establishment?

Ms Hopper: No.

Mr Coffey: Given the cannabis control commissions draft could this switch to a recreational use also?

Ms Hopper: That would depend on the Town of Natick by-laws.

Mr Coffey: Is there currently any area in Natick that allows medical marijuana?

Ms Hopper: Yes the Strathmore road area.

Mr Sullivan: Are there any rules and regulations with respect to the distance a medical marijuana facility needs to be from residential structure or home.

Ms Hopper: It is 300 feet.

Mr Hayes: Which is articulated in the Zoning By-law section 323.8.4.8 on page 122 of the zoning by-law.

Mr Sullivan: Using Google Maps I'm able to determine that there are at least 3 residential structures that are within 300 feet of that facility – is that an accurate assessment?

Ms Hopper: Yes. That's why the amendment we're asking that if it's not 300 feet within the residential zoning district boundary line it can be determined by the Planning Board to be sufficiently buffered from such facilities such that current residents will not be adversely impacted by the operation of the RMD.

Mr Hayes: So said another way you're proposed language changes – it takes away the “within 300 feet of a residential zoned district.”

Ms Hopper: Correct if he neighbors – if there was some type of problem with the neighbors.

Mr Sullivan: Given that there are at least two neighbors with residences within 300 feet and probably better than a dozen within 500 feet, has there been any conversation with the neighbors about this project and what's the feedback?

Ms Hopper: I have letters from several individuals that they support it and there is one individual that said they supported it and then called me and told me they did not support it.

Mr Linehan: Has this revision been before the Planning Board?

Ms Hopper: This version will be review at its meeting on February 28

Mr Linehan: What is the specific urgency for the benefit of the town that it not be reviewed at the next Town Meeting after the Planning Board has reviewed it?

Ms Hopper: For the benefit of the town that we all are trying to have a stronger economy when we're having businesses that are not doing well because of other larger businesses coming in like Town Wine causing there to be less business at the 9 East Wine Emporium and the possibility that this place might not continue. It's a concern for the town that we live in.

Mr Linehan: The phrase “if not located at such a distance determined by the Planning Board to be sufficiently buffered from such facilities such that current residents will not be adversely impacted by the operation of the registered marijuana dispensary”. I presume that the thought is that the Planning Board would survey the neighbors and determine whether they were agreeable to it.

Ms Hopper: Yes.

Mr Linehan: How would they protect future owners of those houses?

Mr Hayes: The Proponent can't answer that question.

Mr McCauley: Would there be a benefit to the town if more of these businesses were allowed in town? Particularly with recreational.

Ms Hopper: Recreational marijuana would be taxable so it would be more beneficial to a town financially.

Mr McCauley: This particular one I mean – Hopper: I don't have all of those particulars.

Member of the Public:

Mr Julian Munnich: Questions – with regard to the State of Massachusetts – if we permit a dispensary in that area are we inviting a recreational dispensary?

Ms Hopper: We will not know what the regulations are going to look like until April 15th. We have a moratorium on recreational until December. In April we will have more information.

Mr Munnich: With regard to the current resident phrasing – that's not a standard we use in our zoning by-laws – by using this non-standard language is there's a way to protect the property rights of an actual owner if there's a tenant but also if a property is vacant?

Ms Hopper: I think that brings up an important point and if you have an amendment to address that I'm open to it. That wording is hardwired into the Warrant Article – if it is removed does that expand the scope.

Mr Hayes: Mr. Munnich are you referring to the “to “a Town of Natick boundary line, exempting the boundary line of the Town of Natick and Town of Wellesley.” And to add the following language ... “or a residential zoning district boundary line”: “or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered from such facilities such that current residents will not be adversely impacted” So the language you are speaking of is what I just read and your questions is whether a motion that is made that removes the word or words “current resident” would be a sufficient change to the scope of the article that it expands by removal of words and then therefore will not have provided sufficient notice to the Town of Natick residents, taxpayers, property owners of the intent of the Article – that’s your question/point more or less?

Mr Munnich: By extension – it expands the box.

Mr Hayes: I appreciate the question – this is for the Moderator if he chooses to consider.

Mr George Richards, Citizen Precinct 10:

I just want to express my support for this article. I have been a long-time believer in regulating and taxing marijuana. I think it’s a lot safer than alcohol which is currently in this location. It’s my own personal opinion. But particularly when it comes to medicinal marijuana – I also know several people in the community who have cards and have to go to Newton or Brookline and I think it’s really important to be able to have medicinal facilities available in the town. I know there’s a couple that have been tossed around, but, in my opinion this location is a very good location particularly when you are turning a liquor store into a medicine store that in my opinion is a much better benefit to the community at large than a liquor store.

Ms Coughlin: A question for Hayes: Not having been part of the discussion when this was before the committee before – in the definition of spot zoning is there a clause about public benefit?

Ms Hopper: It’s an Attorney General decision that I looked up last time when I was initially doing this. Ms Coughlin requested a take-away of the Attorney General decision discussed above.

Mr Hayes: Would the Sponsor prefer to continue this hearing to research the language of the motion and postpone to a date to be determined to edit the motion?

Ms Hopper: Yes.

MOTION

Motion to close public hearing of Town Administrator’s budget

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Linehan
Motions or Debates:	
Vote: Carried	8-0-0

OLD BUSINESS

MEETING MINUTES:

January 23, 2018 Minutes. Pierce and Scurlock can’t vote

MOTION

Move to accept the January 23, 2018 Financial Committee Minutes

Moved/Motioned by:	Mr Hayes
Seconded by:	Mr McCauley

Motions or Debates:	None
Vote: Carried	8-0-0

SCHEDULING

Article No. 1 on the Special will be done on Tuesday February 6. If anyone has questions please send them to me so I can get them to the right people to answer the questions. We will not hear school budget on Tuesday because the sub-committee has not been able to get through enough budget stuff. Tuesday night will be all building projects all night – fair morning Thursday night is set aside for the building project but I'm going schedule some other things to Thursday night.

ADJOURN

MOTION

Motion to adjourn.

Moved/Motioned by:	Mr Pierce
Seconded by:	Mr Coughlin
Motions or Debates:	None
Vote Carried	8-0-0

Meeting adjourned at 10:30 p.m.