



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 8, 2018

The minutes were approved through the following action:

Motion:	Approval (as amended)
Made by:	Mr. Pierce
Seconded by:	Mr. Linehan
Vote:	9 - 0 - 0
Date:	2/15/18

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

February 8, 2018

Natick Town Hall

School Committee Meeting Room 3rd Floor

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

Dirk Coburn, Member
David Coffey, Member
Bruce Evans, Clerk
David Gallo, Member
Patrick Hayes, Chairperson
Michael Linehan, Member
Robert McCauley, Member
Jerry Pierce, Member
Philip Rooney, Member
Daniel Sullivan, Member

MEMBERS ABSENT:

Cathleen Collins, Vice-Chairman
Cathy Coughlin, Member
Jim A. Scurlock, Member
Kristine Van Amsterdam, Member
Linda Wollschlager, Member

AGENDA:

1. Public Concerns/Comments
2. Meeting Minutes
 - a. Meeting Minutes for January 25, 2018 – Review and Approve
3. Old Business
 - a. Finance Committee and Sub-Committee Process and Scheduling
4. Town Administrator's FY2018 Budget – Public Hearing
 - a. Natick Public Schools – FY 2019 Preliminary Budget
5. 2018 Special Town Meeting #1 Warrant Articles – Public Hearing
 - a. Article 1 - Appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee to design, construct, equip and furnish the new John F. Kennedy Middle School
 - b. Article 2 - Amendments to the Town of Natick Zoning By-Law and Zoning Map – Reconsideration
 - c. Article 3 - mend Registered Marijuana Dispensaries Bylaw 323.8 – Continuation
 - d. Article 4 - Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses - Continuation

6. Adjourn

CALL TO ORDER:

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

ANNOUNCEMENTS/CITIZENS CONCERNS:

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 Evans
Seconded by:	Mr McCauley
Motions or Debates:	None
Vote: Carried	9-0-0

MOTION

Move to open 2018 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

Article 1 – Kennedy Middle School Building Project

Article 1 - Appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee to design, construct, equip and furnish the new John F. Kennedy Middle School

Move the Town of Natick vote to appropriate the sum of \$105,835,000 which, in addition to the previously appropriated sum not to exceed \$3,725,000 for the feasibility , schematic design and design development work under Article 9 of the warrant for the 2013 Fall Annual Town Meeting and Article 17 of the warrant for the 2017 Fall Annual Town Meeting, brings the total appropriation to the sum of One Hundred Nine Million, Five Hundred and Sixty Thousand Dollars (\$109,560,000) for the purpose of paying costs to design, construct, equip and furnish the new John F. Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, 01760, including all necessary site improvements which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Natick Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Natick acknowledges that the Massachusetts School Building Authority’s (“MSBA”) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Natick incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Natick; provided further that any grant that Town of Natick may receive from the MSBA for the Project shall not exceed the lesser of (1) 48.21 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2)

the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Natick and the MSBA.

Mr Hayes: Members will recall on Tuesday night we discussed Article 1 which is the Kennedy School Building Project. The focus was mostly around the educational plan and how that was driving the building project itself. There were a number of questions that were asked as takeaways and some documents requested. Those have been distributed to members as recently as 5 o'clock this evening and they are loaded into NovusAgenda for member's and the public's access. There were several questions asked around financials specifically around the cost of the project itself, or potential, some around the proposition 2 ½ debt exclusion or the borrowing for the project from tax levy or a draw-down of the capital stabilization fund. We deferred those questions until this evening.

Peter Gray, Finance Director, Building Committee
Bill Chenard, Acting Town Administrator
John Townsend, Finance Director

Mr Chenard: General statement: We can give you numbers from what we know today but it is very early to be talking about the full debt options when we don't have the full plan in place. We've had discussions with our financial advisors and asked some questions and the advice we got was that we can give you answers based on what we know today, but some of those answers are going to be dependent upon what bond counsel recommends is the direction we need to go once we know the full plan. So I just want to preface any comments we make with that caveat.

Mr Hayes: For tonight's discussion, any answer you get is in the context of what we know today and the fact that is a practical answer to a fair question but it is not to be viewed as the final answer or to limit the town or school's options as to what they want to do in the future.

Member Questions:

Mr Rooney: The tax impact slide showed that \$3.7 million had already been spent in the design – does that mean appropriated or disbursed?

Mr Chenard: Appropriated – we have that 3.7 Million Dollars on a Bond Anticipation Note (BAN), a temporary borrowing where we pay interest on it until we confirm where we are going and what we want to do with that. The primary reason we carry a BAN is the term of the loan. We can permanently borrow that when that first BAN extinguishes or comes due – but if we do that we are limited to a 5-year term on that. If we borrow design funds at the same time we borrow construction funding then we can use the term of the useful life of the building. The town of Natick typically uses a 20 year borrowing term even though the useful life on schools is somewhat longer than that. The reason we do that is to limit interest costs.

Mr Rooney: So when we borrow the money including the design we would take the funds to pay off the BAN?

Mr Chenard: Yes - at that time we would roll that BAN into a permanent bond.

Mr Rooney: Is that why we see in the article to approve the loan the \$109.5 figure in there?

Chenard: Well it should be in the motion – right because that’s the total amount that we are going to be permanently borrowing and that includes design funds so that’s also the funding that the MSBA will look at for total reimbursement. We’re already receiving some reimbursement on our design.

Mr Rooney: Is my understanding correct that in dealing with the state if we want to build this school they have a time period for us to look out to say how many students would we have and therefore help determine the size of the school?

Mr Gray: When we put in a statement of interest, we provide MSBA with what we think the capacity of the school should be and then they look at enrollment figures and they project out so many years based on what we provided them and what they see – they give a figure on what they believe is an appropriate size for the school.

Mr Rooney: Do they cap how many years you can look out?

Mr Gray: They look out ten years to see how much enrollment has grown. There was some negotiation on that because Natick has had and continues to have more than standard growth.

Mr Rooney: In 2021, are you projecting 1,000 students attending Kennedy School?

Mr Gray: Capacity is 1,000 but with students moving from Wilson, both schools will be at 850 but Kennedy will have a capacity of 1,000.

Mr McCauley: Estimated bond yield of 4% where are the current yields of this kind of bond?

Mr Townsend: For a 20 year AAA-rated municipality, the rates are 2.54%.

Mr McCauley: So we have a little cushion based on where the rates currently are? Mr

Chenard: Just to be clear, we think 4% is a bit aggressive but with our timeline and the Fed raising rates, I will be ecstatic if we get 3%.

Mr McCauley: Based on the present timeline working, an estimated completion date of 2021 and the estimated start time, at what point would we go to market if the present timeline holds true. How many months from now would we go to market?

Mr Townsend: There are so many variables to get to this answer – depending on the market, how it’s going is going to drive what kind of product we use to finance this project.

Mr McCauley: We’re going to borrow approximately \$70 million and the state is going to kick in approximately \$30 million. When does the state fund vs. when we fund?

Mr Gray: The way the MSBA reimburses the town is that each month, the School Committee gets an invoice from a particular vendor, it is approved, it goes to the town, town pays the bill, we submit the invoices to the MSBA and they review them and in about 30-45 days we get the money. It’s a continual process.

Mr Pierce: When do you expect the Debt Exclusion language that’s going to the voters to be fully formulated?

Mr Chenard: That language is formulated already it’s already been voted by the Board of Selectmen and cannot be changed. Town Meeting will absolutely vote a number. The School Committee can then move forward with the project pending favorable debt exclusion vote. We cannot move forward with this project without a favorable debt exclusion vote because the town cannot afford it without that debt exclusion. We can then move forward pending the debt exclusion vote but that is the cap that the town can spend, that appropriation that Town Meeting makes.

Mr Pierce: Can you review the impact on the taxpayers?

Mr Chenard: The average household value in the town is just over \$500,000. The maximum tax impact is \$410; the average impact is \$308 per household per year. Communities typically bond projects like this when we have level amount over the life of the borrowing so in this case we're anticipating a 20 year borrowing with a level principal amount of \$3,650,000. The early years of borrowing have a much higher impact on the taxpayers - \$80/per \$100,000 of value down to \$46/per \$100,000 of value in the later years of the borrowing because the town is paying interest on a declining amount of principal. And, in the first year, it's \$406 but in the last year it's \$235. Also at a debt exclusion doesn't become part of the tax levy, it ends when the loan ends. This is contrasted with an override that becomes part of the tax levy.

Mr Linehan: How does that reflect as a percentage of what a standard taxpayer pays? 6% increase on top of what they are currently paying – so for year one and then declining?

Mr Chenard: Yes.

Mr Hayes: What other options if any does Town Meeting have in their ability on how to fund this?

Mr Chenard: There are many options but no matter what option we exercise we still must use debt exclusion – there is no way to fund this without a debt exclusion. If we were to try to fund it any other way i.e., with all our reserve or stabilization funds, we would lose our bond rating which would cost us even more money in other areas – it is not sound financial management.

Mr Hayes: If all the list of capital projects were held in abeyance to support borrowing from the tax levy for this project would that work?

Mr Chenard: Not under the current structure. We would have to wait several years for 2025 - Wilson Middle School is a debt exclusion so it would free up nothing because we are carrying long term debt we are into the 2030s on some of our projects – we would have to freeze all capital improvements in the town and then wait until all projects came off levy debt – and also wait for some debt to fall off before we could tap the tax levy.

Move to recommend favorable action on Spring Town Meeting #1 Article 1 Proposed Motion received February 8, 2018 that the Town appropriate in the sum of \$105,835,000 which, in addition to the previously appropriated sum not to exceed \$3,725,000 for the feasibility , schematic design and design development work under Article 9 of the warrant for the 2013 Fall Annual Town Meeting and Article 17 of the warrant for the 2017 Fall Annual Town Meeting, brings the total appropriation to the sum of One Hundred Nine Million, Five Hundred and Sixty Thousand Dollars (\$109,560,000) for the purpose of paying costs to design, construct, equip and furnish the new John F. Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, 01760.

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Sullivan
Motions or Debates:	Mr Evans: I just want to thank both the school and town administrations for providing a good understanding to us for both the scope of the school and the financing options for the school. There's no easy way around this I think the town in particular has worked very hard to look at the bigger picture of how this fits in the context of other things that need to get done urgently in the town and figured out a way to do this. There's no denying that the Kennedy school is needed for overcrowding and to improve the curriculum. So I thank you for that and I urge favorable recommendation to Town Meeting. Mr Sullivan: I thank the administration and people who worked on the

	<p>Building Committee for all their work on this. I think a project of this size needs to strike a balance between the finances of the town (what we can afford and what's prudent and rational) as well as the educational program and what is desired. By the time this particular building is retired, should this project go through in 2021 this building will have served the town of Natick and its students for nearly 62 years so this is something that has a multigenerational impact to it. I support this and hope this process finds its way to a favorable conclusion.</p> <p>Mr Coburn: I have followed this for some time and in more than one capacity the gathering need for this and I certainly support that we need to address that need. Through this presentation tonight and last Tuesday I see that this proposal has proceeded rationally, pragmatically and responsibly and I'm very happy to support this motion.</p> <p>Mr Coffey: While I will support this motion it's an absolutely needed project and there's not skirting that. However, I feel there needs to be some recourse to rein things in a little bit. While we approve this project look at the overall town spending realizing that when this building is built the school department is going to come to us and say, we need custodians, we need more teachers, we need more this to fully and properly staff this school not that we've built it. That money has to come from somewhere. Other projects have crossed our bow and I've repeatedly been saying we can spend money on this but we need money for other stuff down the line. And that has never been answered. We proceed with projects willy-nilly because it's today's priority – nobody thinks about tomorrow's priority or the year after priority and that's something that has to be done. Something else that has to be looked at is the maintenance and upkeep of this building as well as all the other ones. While I support the project, in the future I hope we'll look at the spending we do and how it's done and make sure that this building is kept up so that in 50 years it's not falling apart and it's going to serve another 50 years.</p> <p>Mr Pierce: I'm all for this project because I know that we have to equip our students to compete in the global economy. I'm a senior citizen and I can speak for a lot of seniors that ask me questions about this and I do appreciate the explanation tonight of the impact on seniors I think that will help them a lot to understand exactly how much they will be impacted. The seniors learned a hard lesson the last time there was a debt exclusion when the senior center and the high school were combined. We did get a wonderful senior center but a lot of seniors feel that they did not get the amenities they were promised like a substantial kitchen, lunch being provided for them – amenities they now have to pay for. So I can't in good faith try to convince them to vote for this debt exclusion like I did the last one but I think I can assure them that you have done your due diligence in all the figures and estimates.</p> <p>Mr McCauley: I thank Administration for answering questions. I feel a lot more comfortable that they are going to look at different ways of structuring when the financing comes and that they are keeping an eye on interest rates to try to keep costs in line. It goes without saying that \$109 million is a lot of money and that it could have effects on what the town can do going forward. Ultimately to me it comes down to an issue of fairness to the people in the Kennedy district –it's something we just have to do and I'm supporting it.</p> <p>Mr Hayes: I am going to support the recommendation for favorable action and I'm going to continue between now and Town Meeting to spend some</p>
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	<p>time looking at all the information that we received. I'm certainly not against the project and on its face, it's a necessary commitment financial and educational for the community. I have anxiety for all the things that we have to do in this town. I'm a member of the West Natick Fire Station Building Committee and we asked the committee and the architects to bring us a 21st century fire station to handle the growth in the west half of Natick where half the emergency calls go and it came in last week at a rather high number. We are ripping apart a design that is the right sized fire station to support growth for the next 20 or 30 years and taking probably 20 to 30% out from the total budget because we realize that we can't deliver that project for what cost was because there's not enough room in the tax levy to support it and it's an inappropriate time to do a debt exclusion. We have \$30 million of parks and we have roads and guardrails and other stuff. Certainly this is as or more important than other things – but there's a long list that are important too. Between now and the voter referendum, I ask the School Committee, the Building Committee, and the School Administration to really listen to what the full range of conversation is in this community, because clearly there are plenty of people who support this no matter what it costs and there are those who cannot afford this no matter what it costs and there's a range of people in between. I hope we get this project to come in meaningfully under budget – that means we have to do some things to make it all work and I think we have to. Do we disadvantage our children in doing that? Probably not in the long run. Do we give them everything we want to give them? Probably not. I think we have to be good financial parents.</p>
Vote: Carried	10-0-0

Article 2 – Amending the Zoning Map

Mr Chenard: Apologizes to the committee on confusion about the motion discussed at the last meeting and requests reconsideration of Article 2 because the motion the Finance Committee previously voted to approve was the incorrect version.

MOTION

Move to recommend reconsideration of Article 2 of the Special Town Meeting #1

Moved/Motioned by:	Mr Coburn
Seconded by:	Mr Pierce
Motions or Debates:	None
Vote: Carried	10-0-0

Article 2 - Amendments to the Town of Natick Zoning By-Law and Zoning Map – Reconsideration

Below is the original and appropriate language received on 2/8/2018

2018 Special Town Meeting #1 Article 2 - Motion Move to amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Laws under Section II-B Location of Districts (Zones) subsection 1 by extending, adding, and amending the HOOP II Overlay District to include the following properties; Town of Natick Assessors' Map 35, Lots 105, 105A, 106, 107, 108, and 109;

MOTION

Move to recommend favorable action on Special Town Meeting #1 Article 2 received on February 8, 2018

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Linehan
Motions or Debates:	None
Vote: Carried	10-0-0

Article 3 – Registered Marijuana Dispensaries

Article 3 - Amend Registered Marijuana Dispensaries Bylaw 323.8 – Continuation

Move to amend the Town of Natick Zoning By Laws as follows: by inserting the following language in Section 323.8.4.1 after the words “may be allowed in the RC District”: “or on a parcel of land located at 2-6 Worcester Street, Assessors Map 21, Lot 1” So that the new Section 323.8.4.1 reads as follows: “323.8.4.1 Registered Marijuana Dispensaries, other than agricultural operations meeting the requirements for an exemption under Chapter 40A, Section 3 of the Massachusetts General Laws, may be allowed in the RC District or on a parcel of land located at 2-6 Worcester Street, Assessors Map 21, Lot 1 by special permit issued by the Planning Board provided that the Registered Marijuana Dispensary meets the requirements of this Section 323.8.” And by inserting the following language in Section 323.8.4.8 after the words “Town of Natick boundary line,”: “exempting the boundary line of the Town of Natick and Town of Wellesley,” And by inserting the following language in the same Section 323.8.4.8 after the words “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 the residences will not be adversely impacted by the operation of the Registered Marijuana Dispensary.” So that the new Section 323.8.4.8 reads as follows: “323.8.4.8 No Registered Marijuana Dispensary shall be located on a lot which is located within three hundred (300) feet of a Town of Natick boundary line, exempting the boundary line of the Town of Natick and Town of Wellesley, 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 the residences will not be adversely impacted by the operation of the Registered Marijuana Dispensary.”

Transcriptionists note: See below for change to motion language affected during meeting.

Mr Hayes: Members will recall that there were a few questions asked by members of the committee and members of the public on some of the language. The sponsor has provided an updated motion to us reflecting some of those questions.

Ms Tara Hopper, Sponsor

The change in 323.4.8 where it previously stated that “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 the *current residents* will not be adversely impacted by the operation of the Registered Marijuana Dispensary.” The language was changed from *current residents* to *the residences*. The issue that was brought up was in a landlord/tenant situation the language current residents would not be sufficient to encompass all of the people that need to be considered and that it’s the

residences, owners and people who work in the area that could be affected – to address the concern that was brought up at the last meeting.

Mr Hayes: There was also a question from Ms. Coughlin around whether this could be construed as a spot zoning issue and the two of you had an agreement that you would do a bit more research on some background and you sent me some information earlier this evening – could you summarize for the members what you have learned?

Ms Hopper: I was not able to find an opinion from the Attorney General specifically regarding spot zoning other than the AG's office has said that when a local body has done something that's considered spot zoning and that when the plaintiff neighbor complains and makes a case for spot zoning it is a heavy burden and in most cases there is case law that shows that this heavy burden is not met by the plaintiff if there's any substantial reference to public health or a general welfare of the town. Thus, the medical marijuana being a public health issue and the public benefit would most likely allow a medical marijuana dispensary in an area that would otherwise be considered spot zoning.

Questions from Members:

Mr Evans: One of the things I saw and I would like to read this into the minutes – an article from the Natick Bulletin and Tab dated January 31, 2018: "Medical marijuana dispensary could be coming to a Natick business area. New England Cannabis Corporation is looking to open a facility at 11 Mercer Road which is just off Route 9 near Sherwood Plaza. Natick is a good location because it has highway access and public transportation." It has no approval from the town it's sort of looking at that area that is now zoned for this usage. My question is whether the proponents realize that this is happening?

Ms Hopper: I hadn't heard this was happening however, I realize even if this were to move forward it would still need to go the extra step to receive a letter of non-opposition from the town and go through the proper local channels.

Mr Evans: It did go on to say that it was looking for a letter of non-opposition and that the Board of Selectmen has not issued a statement of non-opposition.

Mr Sullivan: As I understand it, a medical marijuana dispensary cannot be located within 300 feet of a residential dwelling is that correct?

Ms Hopper: Yes.

Mr Sullivan: Would it be fair to say that this change in our zoning asks that the 300 foot buffer be replaced or augmented by putting it in the hands of the Planning Board to make a determination if any dwellings that may exist within that amount that it's not detrimental or to their disadvantage – would that be an accurate summation of the change?

Ms Hopper: Yes.

Mr Linehan: With respect to the spot zoning - If this were not for a medical marijuana facility but for a retail marijuana facility would it be an equally high bar to defend against spot zoning or would it be a lesser bar?

Ms Hopper: I tend to look at a health concern to be more beneficial than an economic one – I don't know how to really answer that question.

Ms Linehan: Would it be fair for someone to interpret that if it were not a medical dispensary but a recreational it would not be as beneficial to the town?

Mr Hayes: What is the alternative you're contemplating?

Mr Linehan: If it were recreational rather than medical would the sponsor agree that it might be more difficult to overcome the bar? I'll leave this for debate.

Mr Coffey: To the best of your knowledge would the proponents of the article be willing to assist the town financially in defending the zoning decision in court if it were challenged regarding the spot zoning issue?

Ms Hopper: I can't speak for my clients but I would do all I could to support the town in that case.

Mr Hayes: There's a question on the language change that you have. The removal of the expression "current residents" and inserting in its place "the residences" is very possibly a change of scope that broadens the article which you're not going to be able to do. It didn't come strongly to me until after you and I exchanged emails this evening at 6 p.m. I understand why you did it because it was prompted by some questions from folks so you were being responsive to that but in being responsive to that there's an opinion that I'm forming now that it will take your motion out of scope of your Article on the floor of Town Meeting. So I would ask you do you want to revert back to your original language and thereby keep it in scope which is to put "current residents" back in because that would then match to what your article is – or you can leave it the way you proposed it this evening – this committee can take its vote – but this committee's vote does not matter if the Moderator says it is out of scope.

Ms Hopper: I would like to keep it in scope.

Mr Hayes: Would you without objection allow the motion to be reverted back to the words "the current residents" in the last line and replace the words "the residences?"

Mr Linehan: If the new improved verbiage were favorably recorded and the Moderator were to rule it out of scope would that preclude Article 3 in its original verbiage from being proposed from the Town Meeting floor?

Mr Hayes: I'm not sure procedurally whether the Moderator would allow an ill formed motion that's an out of scope motion to be entered on the floor. So there would be no motion on the floor.

Mr Coburn: I would just weigh in on that that the town Moderator could do anything and that he could let it go forward and then it could be stopped by the attorney general after Town Meeting is dissolved. I think the low risk path is the one the proponent has chosen here to revert to the original language.

Mr Hayes: The sponsor could go to the Moderator in front of Town Meeting and ask for the change. Members are you okay with accepting the change back to the original language?

Members agreed.

Mr Hayes: The change to the motion will be the last line in section 323.8.4.8 and after the word "that" we will remove "the residences" and replace it with "current residents."

Inserted by Transcriptionist for clarity:

Planning Board to be sufficiently buffered from such facilities such that ~~the residences~~ **current residents** will not be adversely impacted by the operation of the Registered Marijuana Dispensary."

MOTION

Move to recommend favorable action on Special Town Meeting #1 Article 3 to Amend Registered Marijuana Dispensaries Bylaw 323.8 received on February 8, 2018 as amended during Financial Committee meeting on February 8, 2018

Moved/Motioned by:	Mr Coffey
Seconded by:	Mr Coburn
	<p>Mr Coffey: It's time to move forward on this – we don't need to refer to the Planning Board we'll hear from them about it soon enough, when it's time to issue a license the Board of Health will weigh in but to drag it on ad infinitum is unnecessary at this point. There's a need for this medical product in this region. Currently a Natick resident has to go to Brookline or Newton to avail themselves of this medicine. We're talking about a prescribed drug being dispense in a properly licensed facility. It's in a retail location in a business district that's where it should be in a business district. What we have before us is this proposal for this business out on Route 9 let's do what's right for the citizens of Natick who by the way have already voted positively for recreational marijuana.</p> <p>Mr Coburn: When we had a similar article before us at last Town Meeting there is substantial recognition of the public interest for both the medical relief factors that this product can bring and also of the orderly process of regulating it and there were some issues and I'm delighted to see the proponent back having taken those issues to heart and worked with them and brought it back with some resolution and so I'm happy to support it.</p> <p>Mr Hayes: There is an extremely high bar for any article requesting a zoning change and that high bar rests with the body that is responsible for zoning by laws and that's Town Meeting. Town Meeting is responsible for approving and changing zoning by-laws. There is no other body in town elected or advisory that is allowed to do that. So I think we should keep that in mind. This body is an advisory body and it plays an important role at Town Meeting in that it provides recommendations and guidance for supporting and opposing points of view. The Planning Board has an important role in a zoning by law article but theirs is no different than our role – they provide a recommendation. They are not the policy board or governing board for zoning by law changes it is solely the purview of Town Meeting. So to say we should send it to the Planning Board because it's their responsibility to pass judgement on it is only partly true. Secondly, the Board of Health has a role in this and they have a say and should this zoning article pass by Town Meeting the Board of Health hasn't lost their voice. Their voice comes from the state not from a zoning by-law change. So to refer it to the Planning Board or the Board of Health provides a stall. If the position of the members is that we should wait until April 15th when the Cannabis Control Commission comes down with their rules – rhetorically in debate I will ask this question –what if they don't come down with anything on the 15th? What will we say then to the proponent about their article? There's no guarantee that the triple C action will happen at any time. I respect the rights of the abutters and the residents – but it would be hard for me to believe that at least some of those residents don't know this is before this body – and they're not here. We don't know why they're not here but it's not a secret and if they're opposed to this I would like to hear from them. People who are against this should send their comments to the Finance Committee Chair. I'm going to accept at face value that the public has had an opportunity to come here and voice their opinions about this – which doesn't mean they're in favor of it – but they're not violently opposed to it either. That's my opinion based on what I see. I intend to support favorable action.</p>
Motions or Debates:	

	<p>Mr Rooney: For me this is a simple decision – Town Meeting is the ultimate decision maker here. For me, what I’m voting is medical use of marijuana. To me medical is medical you either believe that this is going to function as a medical dispensary or you don’t.</p> <p>Mr Pierce: I’ve heard many claims of spot zoning over the years. If it is serving the public it’s not spot zoning.</p>
Vote: Not Carried	6-4-0

MOTION

Move to refer Article 3 to Amend Registered Marijuana Dispensaries Bylaw 323.8. to Planning Board and the Board of Health

Moved/Motioned by:	Mr Linehan
Seconded by:	Mr McCauley
Motions or Debates:	<p>Mr Linehan: This is not about marijuana. This is about zoning and procedures and about doing things in an orderly manner and doing things equally for everybody versus rent seeking in a sense of getting in ahead of time. When the proponent’s attorney came before us before, she mentioned that April 15th the Cannabis Control Commission will make a decision about merging combining not combining recreational marijuana with medical marijuana facilities. My decision to refer was not to get the commentary in – it was basically to wait until April 15th to get a handle so that there is a level playing field and there is not essentially a gift from government to one property owner to the exclusion of all other property owners. To my understanding, there is at least one other facility in Natick that already sells marijuana based products for various reasons. Waiting until April 15th is not a huge detriment to the town. It may be a huge detriment to the current property owner in an attempt to get approval quickly but I think that the town would be better served when all those who might be interested in establishing a marijuana distribution facility, medical or recreational or if there’s a distinction by that time can deal with it at the same time. I did not move for indefinite postponement because that has negative connotations that I don’t want to push. I ‘m not against this thing because – and the proponents say it’s all about marijuana and the marijuana stuff I’m not going to argue about that because that’s what the people want – this, I still think, is a zoning issue. This is orderliness. This is keeping a level playing field for all of the competitors who might want to go into this business. The first one out of the chute gets and advantage and I don’t believe in government acting that way. To my personal philosophy level playing field is what government should provide and then people can complete on a level playing field. We should not allow some people a higher place to fight from than everyone else. I asked to refer it simply to delay it past April 15th.</p> <p>Mr McCauley: This would be the first facility of this kind in the town. The town set up certain zoning where they thought a facility of this nature should be and I just don’t think we should willy-nilly change the rules on the first one out of the gate. I think it should be, as I say, perhaps somebody else is looking into getting into this line of business, and they’re looking where the town has said they deem it appropriate to be. And so it is kind of a fairness issue and for that reason I support Mr. Linehan’s motion.</p>
Vote: Not Carried	3-5-2

MOTION

Move indefinite postponement on Article 3 to Amend Registered Marijuana Dispensaries Bylaw 323.8.

Moved/Motioned by:	Mr Sullivan
Seconded by:	Mr Evans (for discussion purposes)
	<p>Mr Sullivan: My motion for indefinite postponement is not related to the need or lack of need for a medical marijuana dispensary in the town. My thinking is that when the town puts a thoughtful process together to create zoning that affects a particular type of use and creates a number of criteria in a very thoughtful and efficient way that's really important and when you ask for that to be changed there needs to be an extraordinarily high bar for you to affect that change. There are two components that are being asked for in this motion. The first is to rezone these parcels so that medical marijuana could be sold from this location but it's really the second change that's being asked for that I find to be most significant and objectionable and I believe rules this particular spot out of bounds for a medical marijuana dispensary. It is specifically denoted in the zoning that a piece of property cannot be located within 300 feet of a residential area. I can tell you with just a quick assessment that there are four residences within 300 feet of this location. If you're asking for a change in zoning what you get back for that needs to be significant. I would have no problems with this if there weren't four residences within 300 feet of this. So it's really for that reason that I feel as though that issue alone makes this particular location for this particular use a non-starter and that's my rationale.</p> <p>Mr Evans: I seconded this for discussion purposes and I will vote for either IP or referral – one thing I expect to see happen is the Planning Board reviews this and the Board of Health reviews it after getting regulation information from the Cannabis Control Commission. If we change the zoning for this now via Town Meeting, we will then be back here reversing this if the Planning Board doesn't like it. Zoning maps are carefully designed and thought out and they put businesses in places where they will best serve the community or conversely do the least damage to neighbors. My other concern is about recreational marijuana – we have no guidance saying this won't be combined with medical marijuana dispensaries and without that I cannot vote for it.</p>
Motions or Debates:	
Vote: Not Carried	3-7-0

No Recommendation.

Article 4 – Amend Zoning By-Law re Indoor Amusement

Article 4 - Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses - Continuation

Motion # 3: Move to Amend Recreational Use 12 in Section III – A.2 – USE REGULATIONS SCHEDULE of the Natick Zoning By-Laws by adding an asterisk after the “O” in the Industrial One (INI) Column. So then the applicable chart Section III – A.2 – USE REGULATIONS SCHEDULE, Recreational Use 12 now reads:

"

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

"

And to add the following language at the end of Section III – A.2 – USE REGULATIONS SCHEDULE , RECREATIONAL USES after Use 17:

“**Note: Use # 12 above shall be allowed by special permit in the East Natick Industrial Park on the east side of Oak Street and being an area including ONLY the following lots (but including any further subdivision of these parcels) as shown 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.”

No Motion was put forward on Article #3 until the Sponsor is available to attend the meeting.

MOTION

Move to close the Special Town Meeting #1 Warrant

Moved/Motioned by:	Mr Evans
Seconded by:	Mr Linehan
Motions or Debates:	None
Vote: Carried	10-0-0

OLD BUSINESS

MEETING MINUTES

None.

SCHEDULING

There are a couple of new ones I want to draw your attention to. There’s an amendment of the by-law around appointing the Police Chief and Fire Chief, some of these are charter and bylaw things, there’s a couple of street acceptances, there’s a Cochituate Rail Trail right of way acquisition, there’s an Article about snow clearing of public ways, there’s a few easements, and then we have some zoning bylaw changes that are sponsored by the Planning Board, and then we have an assisted living option plan zoning

by law and then we have some things around special use in downtown mixed use, and an article to amend the 2 ½% increase on the Fiscal 2019 property tax. There's a lot there – the Warrant is attested on Monday by the Selectmen and we're on for Tuesday.

ADJOURN

MOTION

Motion to adjourn.

Moved/Motioned by:	Mr Pierce
Seconded by:	Mr McCauley
Motions or Debates:	None
Vote Carried	10-0-0

Meeting adjourned at 9:00 p.m.