



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: March 29, 2018

The minutes were approved through the following action:

Motion:	Approval (as amended)
Made by:	Mr. Hayes
Seconded by:	Ms. Collins
Vote:	11 - 0 - 0
Date:	4/24/18

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

March 29, 2018

Natick Town Hall

School Committee Meeting Room 3rd Floor

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

Patrick Hayes, Chairperson
Bruce Evans, Clerk
David Coffey, Member
Michael Linehan, Member
Robert McCauley, Member
Philip Rooney, Member
Jim A. Scurlock, Member
Daniel Sullivan, Member
Linda Wollschlager, Member

MEMBERS ABSENT:

Cathleen Collins, Vice-Chairman
Dirk Coburn, Member
Kristine Van Amsterdam, Member
Cathy Coughlin, Member
Jerry Pierce, Member
David Gallo, Member

AGENDA:

1. Public Concerns/Comments
2. Meeting Minutes
 - a. Meeting Minutes for March 8, 13, 15, 20 and 22 – Review and Approve
3. 2018 Spring Annual Town Meeting Warrant Articles – Public Hearing
 - a. Article 14 – Capital Improvements: Motion C Only
 - b. Article 34 - Amend Zoning Bylaws: Assisted Living Overlay Option Plan
 - c. Article 35 – Amend Zoning Bylaw: To Allow Indoor Amusement or Recreational Uses
 - d. Article 36 – Amend Article 52 Natick ZBL Special Permit Uses in Downtown Mixed Use DM District
 - e. Article 37 – Amend Registered Marijuana Dispensaries Bylaw 323.8
4. Adjourn

CALL TO ORDER

Meeting called to order at 7:08 p.m. by Chairman, Patrick Hayes

ANNOUNCEMENTS/CITIZENS CONCERNS:

MOTION

Open the Natick Finance Committee 2018 Spring Annual Town Meeting Warrant Articles – Public Hearing

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

Article 34 - Amend Zoning Bylaws: Assisted Living Overlay Option Plan

George Richards, Natick Resident and attorney in Natick

One area the town has not yet addressed is assisted living which is an important part of our population. An Assisted Living Bylaw passed in 2010 allows 30 units per acre. There have been several proposals since then but not in locations permitted by that Bylaw. No assisted living projects have been constructed in those districts in the last eight years. One of the proposed projects was 22 Pleasant Street and that study committee worked with all the parties in town to come up with a draft of what an assisted living community Bylaw should contain and then we had 2016/2017 WindyLo proposal which did not go forward – residential and more isolated zone in town which in my opinion was part of the problem. Assisted living people are very active. Ideally you want them in an area where they can walk to services, banks, community center, restaurants etc. From a planning standpoint, the assisted living model works best in that environment. Location and the economics of buying real estate near Route 9 make the current available locations impractical.

Last fall, the Bylaw presented was site-specific and the Planning Board objected to that and thought it should be an overlay district rather than for a specific project. The only way additional property can be added to the overlay is through a 2/3 Town Meeting vote. The changes from last time are:

- it’s not site-specific;
- 45 ft. height was lowered to 35 ft.
- Removed the bonus amenities and have made it a flat 27 units/per acre.
- Decreased density and reduced the amenities.
- The frontage and setbacks are 2x the zoning district; the design requirements are very similar to the Independent Senior Living Bylaw.

Motion C is the motion to put property on East Central Street into the zoning Bylaw. It fits the “transitional area” between residential and commercial districts and it’s next to the Community Senior Center. The property we feel is particularly well fit for this use. The reason the open space public benefit amenity was removed was to simplify it. Some Planning Board members wanted more control over the density with some flexibility if you provided a public amenity. The way it was written was 10,000 sf park could be donated or provided and you would get an additional units equal to 800 sf divided by the 10,000 which came out to 12.5 units. But it was limited to 10%. For Motion C, the calculation is roughly 82 units and if we gave the park they could grant another 8 units as density to make it 90. From our standpoint, it accomplished what we were trying to

accomplish but the concern came up that this may not be within the scope of the Article. After research, it turned out to be beyond the scope because the Warrant Article that was filed was a motion with the text of the Bylaw in it rather than more broad and open-ended motion. We reviewed the Warrant Article for the Independent Senior Living – there was a reference to public benefit amenities/density that wasn't in this original provision and Town Counsel determined that adding would be beyond the scope. Everything has reverted back to the 27 units per acre with no public access amenity. The PB hearing has been continued to April 11th. However, we're willing to give the 10,000 sf park. The only thing we added was a front yard setback that allows the SPGA to waive the 40 foot setback to allow the applicant to go back further should conditions require it. The Planning Board is feeling favorable towards this.

Mr. Hayes: In terms of process – we'll focus in on Motion A, move to Motion B and then get to C with the site-specific issues. Paraphrased the motion is: the Article as it's written is essentially your motion and as the Article reads so does the motions a, b and c, except for one or two things that you've reached an understanding with the Moderator you can add in to your motion. We the Finance Committee and Town Meeting have the ability to vote the motions separately. Mr. Richards is going to tell us where the red-line is different than the Article/Motion of record and which red-lined items stay vs. get cut. We have the latitude to pass each motion separately. Motion C is irrelevant if A or B are not passed. However, we can support A and/or B without necessarily supporting Motion C.

Mr. Richards: We want to say that Motion A is a very good Article and would not want to see it thrown out even if C does not pass and it does not end up applying to this parcel.

Motion A, Section 2.4 on page 2: The first sentence ends with the words “zoning bylaw” and the rest of the red-lined sentence has been removed. The beginning of 2.5 Intensity Regulations, originally we had the number of units would be the net usable area divided by 1,600 – that was changed to 25 units per acre. The maximum front yard set-back, was left at 40 feet. Number 1 the Public Open Space Amenity was taken out. We left number 2 which allows for a variance in the set-back under certain conditions. The only other change was in Paragraph 2.6, sub-paragraph 2, line 5 – it said “and banking and regulations” we changed it to “banking and recreational facilities.” Those are the only changes to the Warrant Article.

Motion A Questions:

Mr. Sullivan: This has been heard by the Planning Board?

Mr. Richards: It's been heard three times. At the latest hearing, they had questions about scope of the open space amenity so they wanted to get that answered to avoid voting on the motion more than one time. .

Mr. Hayes: Planning Board (reads their finding and comments)

Finding:

“Article 34 to Amend Zoning Bylaw Assisted Living Overlay Option Plan: The Planning Board reviewed Article 34 at its meeting on March 14th, March 21st and March 28th, 2018 and has no recommendation on any of the motions from this Article at this time. The Planning Board will have a recommendation following its continued budget hearing on April 11th.”

Comments:

“The proposed zoning amendment to allow assisted living facilities in Natick and locations approved by Town Meeting is desired by the Board, however, some of the details of the proposed Bylaw need further study and analysis to ensure that the Bylaw:

- 1) Is set at the correct development intensity; and
- 2) Is appropriate across a number of different areas and districts in the town rather than just one property. The sponsor continues to refine the motions to address issues of concern to the Board.”

Mr. Scurlock: How many maximum units and how large would they be?

Mr. Richards: If you take 43,560 and divide by 1,600 it's 27.2 that gives you units by acre.

Mr. Scurlock: I'm trying to get a mental image of how many units, size of units regardless of location.

David Carter (the proponent): Units are going to be studios and one bedroom up to 750 feet. Overall, the building will size out as 1,000 feet per unit including the common space.

Mr. Hayes: What is the independent senior size?

Mr. Richards: Those were similar I think the average is about 900 sf – between 800 and 1200.

Mr. Scurlock: I'm trying to associate this with previous discussion. I'm trying to get mental images here – on the building height 3 stories vs. 35 feet?

Mr. Richards: The intent was to keep the height consistent with residential zoning – in the neighborhood.

Mr. Rooney: In the original proposal it was 3 stories and in this proposal it's three stories. What would it look like – chopping 10 feet off – how is this going to look?

Mr. Richards: I think when we get to Motion C you will see better.

Mr. Coffey: Would it be difficult to take this type of overlay and put it in most residential neighborhoods – would a project like this be feasible with those setbacks?

Mr. Carter: You would have to buy up a lot of houses to fit something like this in but I don't think it would be practical – it's really not economically feasible.

Mr. Linehan: Is the 35 feet that was referenced as the RSC building height – is that consistent over all of the residential zoning districts?

Mr. Richards: ... we could add “not to exceed.”

Mr. Linehan: Is there a requirement for “issues” ... Mr. Carter: They need one of the five criteria to qualify for assisted living housing.

Mr. Coffey: Is it typical of these facilities that a person may transition to a more specialized care unit?

Mr. Carter: People's needs change but that doesn't necessarily equate to moving from one unit to another. Typically memory care units are there to prevent wandering and it's a secured unit. You can prevent wandering by staffing someone differently as well – that's usually more expensive than going to a secured unit. I would like to think we could deal with whatever issues with whatever room – the price may differ – but I would like it to be the families decision when or if they want to move to another location.

Mr. Coffey: I'm thinking about continuity – if a person lives in the building and their skills diminish can they still live within the community?

Mr. Carter: Depending what the person's situation is

Mr. Richards: Those services can be provided and it's a matter of cost so many factors go into those decisions – it would be the family or person's choice not the assisted living facilities.

Mr. Rooney: Is it your opinion that whether it's independent or assisted living the types of locations are similar?

Mr. Richards: I think both locations are ideal for both types of uses. Usually early on, it's a meal a day at the facility.

Mr. Rooney: If we just look at this as an assisted living, in your opinion we shouldn't have a major concern about people needing care and continuity?

Mr. Richards: I think as far as location that both of these facilities benefit one another.

Mr. Evans: What sort of accommodations have you made in the design of this facility to have two people live together when one has a different ability than the other?

Mr. Richards: We have companion rooms. These have 2 bedrooms but there are no doors on them so they are considered rooms. In assisted living, you can't have a two bedroom unit so a companion room with no doors you can have a sleeping space for each. That doesn't mean they can't share a room – if they want to they can get a one bedroom – but if they needed two beds you'd go to a companion suite with no room doors.

Ms. Wollschlager: Does the height include HVAC rooftop units in the height?

Mr. Richards: They would be towards the middle and not in view.

Ms. Wollschlager: Will they be shielded visually?

Mr. Richards: Yes.

Mr. Evans: Point of information: Generally, the Planning Board as part of its special permit process has a requirement to shield all external mechanical and HVAC equipment.

Mr. Hayes: Intensity Regulations by Zoning District which is section 4B of the Zoning Book – for maximum height of a building that's across all districts and the language used there for every district is “ 2 ½ stories or 40 feet...”, “2 ½ stories or 35 feet ...”, etc. so that language is consistent and I'd prefer that we don't encourage the Sponsor to change that.

MOTION A

Recommend Favorable Action on Article 34 Motion A as provided in the handout document received at FinCom meeting on 3/29/2018

Moved/Motioned by:	Mr. Sullivan
Seconded by:	Mr. Coffey
Motions or Debates:	<p>Mr. Sullivan: Given the sponsor's overview which synchronized nicely with the information from the Planning Board I recommend the board vote Favorable Action.</p> <p>Mr. Coffey: I'm glad we're moving forward and as the previous speaker said if there's a glitch down the road we can always review it. It's a needed project that we should move forward on.</p> <p>Mr. Evans: I'm happy to see the changes that have been brought forth here. It seems like the Planning Board is on board but just working out details. I recommend Favorable Action.</p>
Vote: Carried	9-0-0

Mr. Richards: Housekeeping – in the Special Permit section of the Bylaw Section V.I.d.d. it shows the Planning Board shall act as SPGA in the following districts – 12 or 15 districts listed – the last one is the Independent Senior Living Overlay Option Plan – the motion would add Assisted Living Overlay Option Plan after that in paragraph 2 A.a.1 and then in the Site Plan Review Applicability and SPGA also specifies the Planning Board in a number of areas and this would add Assisted Living Overlay Option Plan ALOOP again after Independent Senior Living Overlay Option Plan in that list of Planning Board SPGA.

Questions: None

MOTION B

Recommend Favorable Action on Article 34 Motion B as presented in the most recent documentation preceding today

Moved/Motioned by:	Mr. Sullivan
Seconded by:	Mr. McCauley
Motions or Debates:	None.
Vote: Carried	9-0-0

MOTION C

Questions:

Mr. Rooney: Would you agree that there was some thought put into the original at 45 feet – can you make me comfortable with the 35 foot height. Is it structurally sound? What was traded off to make the building 35 feet?

Mr. Carter: We had a pitched roof – we took the gables off – from a construction standpoint when you put the gables on top it’s a flat roof building?

Mr. Scurlock: wanted a visual of the 5 parcels.

Mr. Linehan: The 10,000 sf park –Is this parking?

Mr. Richards: We probably have some capacity for overflow parking for the seniors if needed. It’s not part of the Bylaw, but could be included in the site plan review.

Mr. Carter: We got the idea of adding parking from the Planning Board and when we tested those waters with the Senior Center there wasn’t interest in the parking at this time. In my view adding parking, a park, walk trails or anything we can do to draw the public in is a plus.

Mr. Linehan: How many of the units will be on the first and second floor?

Mr. Carter: The fewest units will be on the first floor, approximately ½ on the second floor.

Mr. Hayes: Motion C does not contemplate distribution of units.

Ms. Wollschlager: How much of all of these parcels on this plan would be open space?

Mr. Carter: We are obligated to have 35% we have a huge amount of open space because it’s wetlands.

Mr. McCauley: Have there been any traffic studies done regarding this project.

Mr. Richards: The Planning Board will require this as part of this permit.

Mr. Coffey: How many of the residents have automobiles?

Mr. Richards: Very few residents will have cars. The parking space provision is ½ parking space per unit.

Mr. Coffey: Have you had any meetings with the abutters?

Mr. Carter: We’ve addressed all the concerns we know about. We have not addressed any traffic issues yet.

MOTION C

Recommend Favorable Action on Motion C Article 34 that addresses the Assisted Living Overlay Option Plan and Specific Parcels named therein

Moved/Motioned by:	Mr. Sullivan
Seconded by:	Mr. Coffey
Motions or Debates:	<p>Mr. Sullivan: The Planning Board appears to favor this and it is a good location. I am very much in favor of this.</p> <p>Mr. Coffey: I look forward to this going forward and finally coming to fruition so we can meet the needs of seniors and provide them continuity of life in the town of Natick.</p> <p>Mr. Linehan: I support this and this location would be better for independent senior living but I’m going to support this.</p> <p>Ms. Wollschlager: Thank you for your thorough preparation of this and brining it forward to us.</p> <p>Mr. Evans: I appreciate the effort that the proponent of both the facility and the Planning Board for putting in the work on this project.</p> <p>Mr. Hayes: I’m comfortable voting favorably on this at this point in time.</p>
Vote: Carried	9-0-0

Article 37 – Amend Registered Marijuana Dispensaries Bylaw 323.8

Susan Moran, Property Owner

Peter D’Agostino, Property Owner Family Friend (no legal background)

Ms Moran: This Article does ask to amend the zoning bylaw to allow the registered dispensary into our area and it addresses the Natick Wellesley line as it relates to our property. I want to point out that the Article does not remove or amend the residential buffer zone. I’m an RN and I believe in medical marijuana and I’m looking to move our current business to something more sustainable for us. We have looked at many different opportunities but I think this is important to our community. I am a long-time community member we have developed a very good relationship with this community, our neighbors and our neighborhood. We are very concerned with everyone’s issues surrounding this and that’s why Peter and I are here today. Thank you for the opportunity to come to ask for your support and Favorable Action on this matter.

Peter D’Agostino: Main concerns – the area businesses; the neighbors; the Cannabis Control Commission (CCC) regulations being published. Medical marijuana facilities are still regulated by the Board of Health rather than the CCC until the end of 2018. Many surrounding businesses are medically related. We feel that this is a good location for a medical marijuana dispensary. We approached the neighboring businesses, we had two neighborhood meetings, and made phone calls to our direct abutters using and used a mailing list from the Town to do a mailing surrounding the public meetings. To date, we

began collecting letters of support we've received 4 abutter letters, 9 citizen of Natick letters of support.

Mr. Hayes: The abutters list that they used was provided by the FinCom chair. How many did you mail to?

Mr. D'Agostino: There were 48 letters sent to abutters.

Mr. Rooney: Process question: Is it in scope whether or not they are the first business of this type in town? Do you have an opinion on what we just discussed?

Mr. D'Agostino: There have been four medical marijuana facilities that have approached the town already. Approval of this does not approve us to operate in town – this addresses only the zoning aspects.

Mr. Linehan: If the zoning bylaw change request passes, would it have to be the property owner apply for the license or could they lease the property to someone who might apply for the license?

Mr. D'Agostino: There's no restriction in the bylaw against that.

Mr. Linehan: Is there a reason from a town perspective why this lot should have precedence over other properties along Route 9? Why should town address only this lot and not the whole area?

Mr. D'Agostino: That's a public policy position that we probably aren't in the position to answer – why they shouldn't do more – what I will answer is why this one benefits the town. There is no buffer zone contained in the law only in the regulation which says if the town makes its own law the regulation doesn't apply. As this moves forward Chapter 55 of the Acts of 2017 becomes into play which amended our Chapter 94G, relative to adult use marijuana, they included in that language under the statute a 500 foot buffer zone. We're in a transition period. The statute allows for greater discretion by the town for buffer zones; the statute is more restrictive. That said; that's why this parcel specifically is so appropriate for the town. It creates larger buffer zones that the town could enforce under the statute or the law relative to children's activities. When you look at this location, not only are we creating an artificial buffer but it also puts it in a place where future development wouldn't lend itself to development of children's activities.

Mr. Linehan: If this were to pass there would be two areas in town that could have registered medical marijuana dispensaries: one in an industrial park and one on Route 9, the owner could be a landlord; the Lessee could then be given priority to become a recreational marijuana store. Is that right?

Mr. D'Agostino: My understanding is that the CCC regulations allow from April 1st to April 16th of 2018 medical marijuana treatment centers who have entered into an agreement with the town to receive preferential review of their applications only. All town requirements would still have to be met. Under the CCC regulations, you may not submit an application of intent until a host agreement, letter of non-opposition, a community impact hearing and a letter from the town saying you comply with all the zoning has been issued. You would need four approvals from the town before you're even allowed to go to the CCC and once you did that the preference you're talking about only addresses the handling of the application it does not address the approval. Then from April 16th to May 1st they will review the applications of qualified people and after May 1st everyone is in the same queue.

Mr. Linehan: Is there still a distinction between medical and recreational licenses?

Mr. D'Agostino: Yes. Medical marijuana treatment centers may only be licensed under the Massachusetts Department of Public Health. The Cannabis Control Commission does not currently have any jurisdiction or licensing for medical marijuana treatment centers.

Mr. Linehan: Why should those who are representing the town in its entirety including all the other property owners whose properties could be appropriate lease opportunities for marijuana dispensaries – why should we support a single property to be zoned instead of pressuring the Planning Board to re-zone the entire strip?

Mr. D’Agostino: Patient access – by providing additional patient access.

Mr. Sullivan: Marijuana treatment center – could you clarify the difference between a dispensary and a treatment center?

Mr. D’Agostino: One is in the statute and one is in the regulation the terms are used interchangeably – when DPH issued their regulations they used the term “treatment center” then they defined it also as a Registered Marijuana Dispensary (RMD) – the terms are interchangeable.

Mr. Sullivan: Has this Article been reviewed and has there been a ruling by the Planning Board?

Mr. D’Agostino: We were before the Planning Board on March 21st they made a recommendation for referral to the Planning Board and the sponsor and closed the hearing last night without any further comment on the 28th. There was no public comment offered on the Article at either meeting.

Mr. Scurlock: Supporters – are you aware of any detractors. We have had one letter of opposition from one member of the town.

Mr. Scurlock: Is this person in proximity to the location?

Mr. D’Agostino: They are within 185 feet.

Mr. Hayes: Reads Planning Board Recommendation Letter to Town Meeting that was issued on March 30, 2018.

The Planning Board reviewed Article 37 at its meetings of March 14, March 21, and March 28, 2018, at which the Board voted to recommend **Referral to Sponsor and Planning Board** on the subject matter of Article 37. Vote 5-0-0.

- The Planning Board felt that the proposed zoning amendment was too specific to one site and one property owner. Given the new State regulations regarding cannabis (recreational and medical), the Board proposes that the Town conduct a comprehensive review of its zoning for such uses and provide recommended changes at the Fall 2018 Town Meeting.

Mr. Coffey: Why is this not spot zoning?

Mr. D’Agostino: This provides a public benefit and that takes the spot-zoning off the table for us. During a Q&A relative to the 22 Pleasant Street assisted living facility zoning meeting Natick Town Counsel said – 22 Pleasant Street would not be spot zoning in that case because it provides a public benefit specifically related to health and further he said that it may benefit a sole property owner but that criteria wasn’t enough to consider it spot zoning. So we’re applying that same rationale that Town Counsel used in his response to the 22 Pleasant Street spot zoning question. Natick’s Town Counsel to the question about spot zoning on the 22 Pleasant Street Project: “provided that a re-zoning provides clear public benefit and is for a public purpose such a zoning change does not constitute “spot zoning” even though there is also a benefit to the property owner.” In many cities and towns the Attorney General has zoned them as only one building – Randolph is an example – there is one building zoned for this purpose. The Attorney General has been very consistent in allowing towns to spot one location for the

express purpose of patient access and access to public transportation and we think we fall within that.

Mr. Coffey: How many parking spaces are available at this location?

Mr. D'Agostino: 37.

Mr. McCauley: Where is the closest medical cannabis facility to Natick?

Mr. Coffey: 7 or 8 miles.

Mr. Scurlock: What is the other location that has been referred to – what is their status?

Mr. Hayes: I do not know.

Mr. D'Agostino: In their comments, the Planning Board wants to do a larger effort. We are requesting a re-zoning to an existing zone that is already in the town.

Members of the Public

Sarah Lane, Grove Road located on the same road as the property.

I live very close to the other resident who is opposed. The reason that I'm here is because we have a really tough time keeping businesses on this end of Route 9 – often times we find them abandoned, overgrown and empty. We are always excited about a business who will come in and stay and keep their property up. Where this business is located, it's very easy to get in and out of the parking lot because there is a traffic light there. I've lived there for 30 years and there's a lot of truck traffic that comes through the neighborhood. This is not the kind of business that brings that kind of traffic. We've had a nice relationship with the owners of this property who keep the property very nice. We're used to the kind of properties in our neighborhood. I think this is a perfect place in Natick for a facility like this.

Nicole Gibson, here representing the landlord for the Natick 9 and 27 shopping center. We are here in support of this. We know the owners of the 9 East Wine Emporium and we are asking you to recommend Favorable Action on this Article. We can't think of better people to stand behind in Natick and we are here as another local Natick business to lend support to another business owner in Natick.

George Richards, Natick resident for 28 years. I really want to speak in support of this Article. In my opinion, alcohol is far more dangerous than marijuana and to see a liquor store replaced by a medical marijuana facility, I think it's a really positive transformation. I also have friends who have medical cards who have to go to Newton or Brookline to get their medicine and I don't think that's right. I know that we do have an area zoned on Mercer Road but I think this location is wonderful because you have both sides of Route 9 covered on the Framingham line and the Wellesley line. The town may want to look in the future into allowing this on Route 9 in between, but I think because of the subject matter it may be better to bite off smaller chunks than to try to zone a huge area because there's a lot of paranoia and concern out there. Whether it's well-founded or not I think it's the reality of anything new like this that everyone's unsure where it's going. So I think doing one site makes sense and also as a zoning attorney, and having researched the spot zoning issue on the independent senior living – because that involved just one parcel, if there's any public benefit involved it's not spot zoning. And there's no such thing as legal spot zoning or illegal spot zoning. Spot zoning is illegal. It's a question of whether it's spot zoning. Between the benefits to the community of providing medicine and the tax revenue that would be provided pursuant to the host agreement, as an attorney, I feel strongly that this is not spot zoning and I don't think this should be a concern of this committee or Town Meeting. It's unfortunate that the Planning Board didn't support it. I think there are some members on the Planning Board who are very concerned about this use – marijuana in general and the possibility of recreational. But as

the sponsor pointed out that would be a completely separate application, there would be no entitlement as a medical marijuana dispensary to have a recreational license, the town would have to support it, and they would have to get another license from the state. There are enough safeguards in place and these are very good citizens and I really support your voting favorably for this Article.

MOTION

Recommend Favorable Action on Article 37 that the town move *Transcriptionist added (From Novus Agenda 3/29/2018)-Updated Motion (As of Feb 7 2018)*:

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 that the residences will not be adversely impacted by the operation of the Registered Marijuana Dispensary.”

Moved/Motioned by:	Mr. Coffey
Seconded by:	Ms. Wollschlager
Motions or Debates:	<p>Mr. Coffey: The need for this facility is beyond overwhelming. People have to travel to Newton and Brookline to seek medical treatment and that’s what this is: medical treatment. We want to replace a liquor store with a medical facility. In my opinion, a liquor store is more harmful to the public than a medical marijuana facility. There are stringent requirements to enter a medical marijuana facility. There’s a lot more security required for a facility like this. If people are concerned about locating near children or families it makes sense to locate this facility on Route 9 with other abutting medical facilities rather than in an office park in direct proximity to a daycare center.</p> <p>Ms. Wollschlager: I think the presentations from the sponsors have been compelling. I think this is a much better location than the Mercer Road location. I think we know a lot more now about medical marijuana and I think this is a much better location than the Mercer Road area with respect to public transportation. I don’t feel like we need to hold off approval on this while we potentially consider to zone more of the area for this use – I think this is a good spot and if we think it applies to other locations then</p>

	<p>we can make an amendment to expand it- but I don't see that as a good reason to keep postponing this. With respect to this becoming a recreational marijuana dispensary in the future which I don't think I would be in favor of, that's up to our town to decide and we have a lot of time – if we feel that is not the right location at that time we will consider it.</p> <p>Mr. Rooney: The Finance Committee should make its own judgment on this issue regardless of what the Planning Board is doing – if we support this we should recommend Favorable Action. If we believe this is a need and this is a good location we should vote a positive recommendation.</p> <p>Mr. McCauley: I am going to support Favorable Action tonight.</p> <p>Mr. Hayes: I'm going to support Favorable Action –but it's pretty clear to me we're not going to get Favorable Action on this. I'm frustrated by this because this is the third time this sponsor has been in front of us and the previous two times the feedback we gave them was – do some more homework on the zoning, listen to what the neighbors are telling you – wait until the CCC comes out with their regulations – the Sponsor and the property owner have done all the things we have asked them to do. One of the larger landlords on Route 9 showed up in support. All these things happen and then we talk about not setting precedents and disadvantaging property rights. I've been this committee now for eight years and I struggle to count the number of times we've had an Article in front of us to satisfy an individual property owner or such a small segment of the property owners on a zoning Bylaw change that for all intents and purposes it was a property owner. We just did it tonight. We just voted Favorable Action for this same purpose on four parcels East of Central Street. The argument of precedent setting and benefits to one property owner is specious on its face. The Planning Board recommendation is to allow a comprehensive review of zoning in time for Fall Town Meeting. I respect the Planning Board a great deal, Fall Town Meeting is six months away and the deadline for an Article is five months away. That's approximately six months – the Planning Board has had this in front of them in the fall, in February and in March, If this was something they were going to take something in their care and do analysis on why now and not last fall? They've got a lot on their plate - they're working on the Master Plan, the zoning map. To expect that this will rise to the priority that it's going to get done in six months – it's not going to be a priority to them. I don't mean disrespect for those folks but with the things I just listed would you put this ahead of those? You should ask yourself how they're going to deliver this in six months. I wonder what we expect a sponsor to do when they pretty much have done everything possible to do something they believe in and is good for the town. The language of this change requires the Planning Board to weigh in on them getting a Special Permit. This wasn't ready in the fall, and maybe not in February but I feel this sponsor has worked hard and done a lot of homework and brought relevant and fact based objective information to this body and I think we could have vote one motion up or down at this point. I'm voting Favorable Action.</p>
<p>Vote:</p>	<p>6-1-2</p>

MOTION

Referral to the Sponsor and the Planning Board on the subject matter of Article 37

Moved/Motioned by:	Mr. Sullivan
Seconded by:	Mr. Evans
Motions or Debates:	<p>Mr. Sullivan: This is a request to zone a particular piece of property for a particular use. It is not a referendum on distances to marijuana dispensaries, or on the outstanding decency of the property owner. This is a Zoning Article and is asking Town Meeting for very specific considerations for zoning a business. There were some very specific things put forward by the Planning Board and Town Meeting most notable of which is that one of these facilities would not exist within 300 feet of a residential home. Giving this, some more time may provide the opportunity for more review and to provide a wider opportunity to zone for this use.</p> <p>Mr. Evans: I believe this is a bad precedent for zoning. Zoning Bylaws work when they are clear and malleability is not a good thing in zoning. When the Planning Board votes 5-0 to request that they address medical marijuana facilities on a more comprehensive basis, I want to give them a chance to do this. The CCC regulations are still a moving target, so I'm supportive of the idea of letting the Planning Board examine this issue on a town-wide basis.</p> <p>Mr. Linehan: I support the idea if the town wants a medical marijuana facility. If the Planning Board doesn't make any progress on this by the fall I would vote for this. To remove the restriction for one property owner is not ethical – I think zoning one spot is not right and gives advantage to one business over many others.</p>
Vote:	3-6-0

Article 36 – Amend Article 52 Natick ZBL Special Permit Uses in Downtown Mixed Use DM District

Mr. Hayes: Sponsor requested no action.

Questions: None.

MOTION

Move no action on Article 36 (Rooney left room)

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Linehan
Motions or Debates:	None
Vote: Carried	8-0-0

Article 35 – Amend Zoning Bylaw: To Allow Indoor Amusement or Recreational Uses

Not heard.

Article 14 – Capital Improvements: Motion C Only

Mr. Hayes: Fire Station Building Committee Meeting Summary:

The Building Committee met on Monday and took new votes on the plan of record to add the fifth bay, widen the bays from 80' to 90' so we've gone back to five bays at 90' wide; no basement but an increased second floor mezzanine storage area by the living unit area. The architect has to do some work before we can get to detailed cost information this may take up to 3 months. Mr Chenard was at the meeting as a voting member and advised the Building Committee that, with the rise in interest rates over the past week, even at the lower price, the interest rates push it high enough so it can't be funded by Tax Levy borrowing in its entirety. Debt exclusion could be a fair option to re-visit. Even if the plan of record that was as presented under 14C at a total cost of \$12.5 million, Mr. Chenard's comment that may not be able to handle that under the tax levy borrowing anyway because of the rise in interest rates and the cost of borrowing makes this infeasible. It would have to come down by at least \$1 million roughly. Selectmen have been informed of the outcome of the Building Committee's actions and they have two meetings between now and April 24th. They may or may not put this on their agenda. Right now, we have no recommendation in the Finance Committee Recommendation Book. I'll work with the Moderator to see if we can engineer that Capital Article the night of April 24, 2018 or April 26, 2018, but that's up to the Moderator.

Questions:

Mr. Coffey: What happened to the money that was put into the Capital Stabilization Fund for this project in the past? The bottom line is a member of the Town Administration sat publicly and said we're going to put this money from free cash into capital stabilization for the specific purpose of funding the West Natick Fire Station. Now we're not going to do that?

Mr. Hayes: You're right. At the moment, that's not the plan. To be fair, it's not an absolute. We can spend more time on the April 24. The former Town Administrator had a vision of how to fund this project when the project was in the \$9 million dollar range through the Capital Stabilization Fund. I think that was a complete miss by the former Town Administrator. Two years ago, this was a \$10 to \$11 million dollar project at minimum but that didn't fit the narrative at the time. The Capital Stabilization Fund in total couldn't pay for this project; that fund in combination with other sources could. This goes back to some of the comments that the Acting Town Administrator shared with us when we had this hearing that we can revisit on the April 24. There's a higher cost of borrowing for a number of projects than one project – so instead of using the Capital Stabilization Funds for one project it makes better economic sense for the town to use those funds for smaller projects and borrow for the single project. You reduce the total cost to the town that way. This doesn't mean that some of the project can't be funded by tax levy borrowing.

Mr. Coffey: Is the Administration going to make it clear to the public that monies that have been transferred to Capital Stabilization with the hope that they were going towards this project are not going to be spent that way?

Mr. Hayes: Based on informal conversations regarding this. If we're going to go a different way than had been the plan of record communicated over the last year or so – we have a lot of work to do communicating what that plan is and starting that process quickly so the community can be well informed about what we're doing and how and

why we're doing it that way. There is recognition that work needs to be done regarding this.

Mr. Linehan: Is there still hope for the original schedule for availability of the fire station?

Mr. Hayes: The project is still on schedule.

Mr. Sullivan: Is this going to drive more expense with the architect?

Mr. Hayes: Yes but I think that the town will get a better Fire Station because of it.

Please block time at 5 p.m. on April 24 for a possible FinCom Meeting prior to Town Meeting regarding this Article.

MOTION

Move to close the 2018 Spring Annual Town Meeting Warrant Articles – Public Hearing

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

ADJOURN

MOTION

Motion to adjourn.

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

Meeting adjourned at 10:04 p.m.