



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: October 9, 2018

The minutes were approved through the following action:

Motion:	Approval, as amended
Made by:	Mr. Hayes
Seconded by:	Mr. Scurlock
Vote:	9 – 0 - 1
Date:	October 30, 2018

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

October 9, 2018

Natick Town Hall

School Committee Meeting Room, Third Floor

This Meeting has been properly posted as required by law.

MEMBERS PRESENT:

Dirk Coburn	Lynn Tinney	Cathi Collins
Dave Coffey	Bruce Evans	Patrick Hayes
Mike Linehan	Robert McCauley	Philip Rooney
Linda Wollschlager	Dan Sullivan	Jim Scurlock

MEMBERS ABSENT:

Kristine Van Amsterdam	David Gallo	Jeff DeLuca
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MEETING AGENDA

- 1. Public Concerns/ Comments**
 - a. Resident and Taxpayer Concerns and Comments
- 2. Meeting Minutes**
 - a. Review & Approve the September 11, September 20, September 25, and October 4, 2018 Meeting minutes
- 3. New Business**
 - a. Executive Session – to discuss receipt of and response to Open Meeting Law Complaint – under purpose 1 (receipt of complaint against a public body)
- 4. 2018 Fall Town Meeting Warrant Articles - Public Hearing**
 - a. [Article 1 - FY '19 Omnibus Adjustments](#)
 - b. [Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit](#)
 - c. [Article 31 - Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street](#)
 - d. [Article 32 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements](#)

- e. [Article 38 - Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23](#)
- f. [Article 40 - Amend the Town of Natick By-Laws: Create New Committee](#)
- g. [Article 42 - Technical Changes to Charter and By-Law](#)

Mr. Hayes speaking 7:08 p.m.

Order of agenda for tonight: Meeting Minutes review will be done at the end. Under new business we will not have Executive Session because we took care of business last Thursday, October 4th. Under Fall Town Warrant public hearing we will not need to hear Article 1 because we dispatched that last week. We will hear in order, Articles 31, 38, 42, 28, 32 and 40.

Announcements

Mr. Linehan announced a flu clinic is being held tomorrow at the Community Senior Center for all residents from 10:00-12:00 and 5:00-7:00. Applications will be available so the Board of Health can be reimbursed from your insurance company. More information and applications are available under the Board of Health Town website.

Mr. Evans moved to open the 2018 Fall Town Meeting Warrant Article public hearing, seconded by Ms. Collins, Vote 12 – 0 – 0

Article 31 - Actions Pertaining to Acquisition and Preservation of the Town’s easements on Mechanic Street

Mr. Hayes advised that the Board of Selectmen through Town Administration has not reached any substantive outcome with people they are in negotiations with and still in Executive Session. The likelihood of the Finance Committee coming together sometime between now and end of Fall Town Meeting dissolving is small so the **Chair** has told the sponsors that he is going to be moving a referral back to the Board of Selectmen for this Article so we have a positive motion for Town Meeting. I would entertain that motion and only that motion.

Ms. Collins moved referral on subject matter on Article 31 to the Board of Selectmen, seconded by Mr. Evans, Vote 12 – 0 – 0

Article 38 – Amend Natick Town Charter; Natick Town By-Laws Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23

Mr. Hayes reminded those that heard this Article the first time we postponed to this evening in part to allow the sponsor, Mr. Munnich to have an opportunity to spend some time with the Town Administrator, Town Counsel and **Chair** of the Finance Committee which we did on September 25th. There was a Meeting of the minds between the sponsor and Town Counsel, on some things there was

agreement and others disagreement. The sponsor went back to his co-sponsor and after discussions decided at this point they will request a referral to the sponsor and not seek any other action on the floor at Town Meeting during the Fall Town Annual Meeting.

Ms. Collins moved referral on subject matter on Article 38 to the Sponsor, seconded by Mr. Evans, Vote 12 – 0 – 0

Article 42 – Technical Changes to Charter and By-Laws

Mr. Hayes stated the sponsor has requested no action.

Ms. Collins moved no action on subject matter on Article 42, seconded by Mr. Evans, Voted 12 – 0 – 0

Article 28

Proposed Motion

Motion A: (Requires two-thirds vote)

Move to amend the Town of Natick Zoning By Laws by inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS** a new overlay district as follows:

“Indoor Recreational Overlay District (IROD)”

and

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

“Section III-L – Indoor Recreational Overlay District

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit.

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

Motion B: (Requires two-thirds vote)

Move to amend the Town of Natick Zoning By Laws

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

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

Motion C: (Requires two-thirds vote)

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

This Article was first heard in January 2018 and we heard the revised Article on September 25. The Planning Board met last Wednesday to discuss it. **Mr. Hayes** asked **Mr. Richards** to summarize the discussion with the Planning Board and where you are with your motion which has been provided to members.

Mr. Richards: This Article is designed to create an indoor recreation overlay district with the same standards that are in the bylaw now in that 1) the building must be insulated and designed to contain noise and 2) the building had to be not less than 100 feet from a residential district. After Meeting with the Planning Board, members were particularly concerned about the 0 Tech Circle property that my client is interested in. They were concerned that the indoor recreation use would consume most of this 4.5 acre property and jeopardize the rest of the property from being used for a potential biotech or other industrial usage. There are two changes: 1) we took out any reference to the industrial zone, so it’s an overlay district that can be applied anywhere. Right now are seeking to apply it on an industrial zone parcel, but it could be used elsewhere. 2) The Planning Board requested the limit of .10 FAR of the building for indoor recreational use. In this particular case, my client is looking to construct a volleyball facility and the .10 FAR works. He wants to build a 120’ x 90’ building, or 13,000 ft.². However, the client is considering putting on the second floor which would increase the FAR ratio that might put him over the .10 FAR ratio. The Planning Board approved this motion 4 – 0 – 1, with the addition of III-L.2.c “the indoor amusement and/or recreational uses shall be limited to an FAR of .10.” The member who abstained did not specify their reason for abstaining. I expressed concern that the existing buildings up there are over .10 FAR. However, most of those properties were approved on variance, so are not subject to this requirement since they are still operating under this variance. The Planning Board wanted to allow other industrial uses to allow for mixed use sites and not have the recreational use overburden the industrial use and take it away from potential future industrial use.

Questions from the Committee:

Mr. Linehan asked what the .10 FAR limitation means in an industrial zone. **Mr. Richards** said FAR is traditionally applied to permitted lot size. In this case, industrial zones do not have FAR limitations. These limitations and in an industrial zone are intensity regulations – building coverage, setbacks, etc., as to how intense the construction is permitted on that property. The remaining .90 FAR is not completely available for industrial use because of these intensity regulations.

Mr. Linehan asked for confirmation that if the indoor recreational use was .10 FAR, the industrial use on that site would be limited to an additional .25 FAR, for a total of .35 FAR of building coverage (**Mr. Richards** concurred).

Mr. McCauley asked whether the Zoning Bylaw places limits on what they consider “recreational use”. It’s up to the Building Inspector to determine whether a recreational use complies with the Zoning Bylaw In the Use Regulation Table.

Mr. Richards noted that that with the passing of the Adult Use Marijuana Establishments section of the zoning bylaw, the numbering in his previous motion changes to “**Section III-K.2 – Adult Use Marijuana Establishments** by inserting a new section, **Section III-L – Indoor Recreational Overlay District**, as follows:...” **Mr. Hayes** suggested that we take this as a friendly amendment, and nothing was different from the motion received on October 4, 2018 that was sent out to the Finance Committee.

Article 28, Motion A

Mr. Sullivan moved to recommend FA on Article 28, Motion A, as printed on October 4, 2018 with the numbering change from III-K.1 to Section III-K.2, seconded by **Mr. Evans**, **Voted 12 – 0 – 0**

Mr. Sullivan said that he was glad that we’re now at a point where we can move forward on this. I know that the neighbors of 0 Tech Circle were supportive of this use and somehow it became a more complicated issue. If someone were to ask me where the recreational zone is in Town, I would say it’s in this area. I appreciate that the potential developer stuck with it and will locate it at 0 Tech Circle.

Mr. Evans said this is a win-win since it fills another vacancy in the industrial zone and gets another taxpayer for the Town and the Planning Board preserves its .10 FAR so that the industrial lots aren’t overburdened and could be configured to allow multi-purpose use, and the neighbors will probably like that as well.

Ms. Wollschlager said that the .10 FAR doesn’t recognize that this really is a recreational zone and that we might have more benefit to attract these types of businesses, rather than have it be a traditional industrial area. I will vote for it, but in the future, I hope that when other projects become known that we might be open to changing this.

Article 28, Motion B

Mr. Sullivan moved to recommend FA on Article 28, Motion A, as printed on October 4, 2018, seconded by **Ms. Wollschlager**, Voted 12 – 0 – 0

Debate:

Ms. Wollschlager wanted to echo what **Mr. Sullivan** said earlier on Motion A – that it’s about time this was approved.

Article 28, Motion C

Mr. Sullivan moved to recommend FA on Article 28, Motion C, as presented on October 4, 2018, seconded by **Mr. Evans**, Voted 12 – 0 – 0

Debate:

Mr. Evans asked for confirmation that the zoning map lot numbers were verified with the Planning Board. **Mr. Richards** confirmed.

Article 32

Mr. Ted Fields, Senior Planner, Community and Economic Development Dept. (CED)

Ms. Terri Evans, Member, Planning Board, participant in Inclusionary Zoning Bylaw study Committee.

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

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

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

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

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

In Motion D:

- P 12, V-J.1 Purpose and Intent – corrected incorrect MGL citation to “**GL Sec. 20-23**”
- P 13, V-J.2 Applicability of Mandatory Provision of Affordable Units– corrected incorrect MGL citation to “**GL Sec. 20-23**”

- P 14, V-J.4 .A.2 Mandatory Provision of Affordable Units: Change “At least twenty (20) percent of the units in a Residential Project on a division of land or multiple unit development with **thirty (30)** or more units in the Downtown Mixed Use district subject to this bylaw,…”
- P. 14, d), “Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section **V-J.4.A.1** requirements (c) and consistent with G. L. c. 40B **sect. 20-23** and 760 CMR 56.
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single-family dwellings only (Projects with 6 or more units) Section V-J4.A.3 (a)
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single **family** dwellings or multi-family dwellings (Projects with 2-5 units) Section V-J4.A.3 (b)
- P 15, V-J.4.4 “The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, **shall ensure that affordable units are affordable in perpetuity, and shall** ensure that affordable units can be counted toward the [Town]’s Subsidized Housing Inventory.
- P 15, B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, “...as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**, and “as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**”
- P 16, Provisions Applicable to Affordable Housing Units On- and Off-Site: V-J.5.A. “Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated proportionately within the development so as not to be in less desirable locations than **unregulated** units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the **unregulated** units. “
- P 16, V-J.5 B. Minimum design and construction standards for affordable units. **All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.** Affordable housing units shall be integrated with the rest of the development, **shall be proportionately distributed in terms of unit size/type** and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall **contain, at a minimum, complete living facilities including a stove, kiTown Counselhen cabinets, plumbing fixtures, a refrigerator, microwave oven, and access to laundry facilities.**”
- P 17, V-J.6 Provision of Affordable Housing Units Off-Site:, delete first sentence A. **~~As an alternative to the requirements of Section V-J.5,~~**
- P 18, V-J.8.1.B “B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), as **specified in the guidelines for the Local Initiative Program,** or as revised by the Town.

- P 19, P 18, V-J.9.A “A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.4).
- P. 11, **Mr. Evans**: another scrivener’s error, please correct the open parenthesis around DHCD at the top of the page.

Questions from the Committee:

Mr. Linehan: On page 16, it looks like there is inconsistency between “All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units...” and “Affordable housing units, shall be proportionately distributed in terms of unit size/type and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units **Mr. Fields** said that the Design and Construction standards provide a floor and he questioned the DHCD person about this language and they said their reading of compatible is “roughly comparable”. For example, you don’t have to have granite countertops, but each kitchen should have functional countertops.

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

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

Ms. Collins said throughout Motion D, you focus on MGL c. 40B, § 20-23 and 760 CMR 56. I’m trying to understand how they work with the inclusionary zoning bylaw, because these items deal with comprehensive permits. There are many places where you say consistent with MGL c. 40B, § 20-23 and 760 CMR 56. For example, in V-J.2.A, it says “In all zoning districts and overlay districts, the inclusionary

affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-23 and 760 CMR 56.” The state inclusionary zoning bylaw references these sections and it’s designed to link types of units created to those sections of MGL and the CMR so that units created under this bylaw are eligible to be included in the state subsidized housing inventory under the Local Initiative Units. **Ms. Collins** noted that her reading of this is that the first paragraph indicates that MGL c. 40B, § 20-23 and 760 CMR 56 mandate provision of affordable units.

Ms. Collins asked whether developers are either 40B comprehensive permit or inclusionary bylaw. **Mr. Fields** said that if the developer is going to develop under a comprehensive permit, they have to approach the ZBA for a comprehensive permit. This bylaw allows these units to be included in the SHI as defined by MGL c. 40B, § 20-23 and 760 CMR 56 through the Local Action Program, and they’re eligible for a Local Action Program through a Town action, namely, through the granting of an inclusionary housing special permit.

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

Ms. Collins said, under 40B, a developer can put a development anywhere, regardless of whether residential is permitted there. I don’t see anywhere in this proposed bylaw where we limit where this inclusionary zoning can go. It looks as though it’s available in all zoning districts and overlay districts. **Mr. Fields** said that the use regulation tables address this concern. **Ms. Collins** noted section V-J.10 states “The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.” **Ms. Evans** asked whether, striking the phrase “in all zoning districts and overlay districts” in V-J.2.A Applicability of Mandatory Provision of Affordable Units would clarify this. **Ms. Collins** agreed that this would address this concern.

Ms. Collins In the definitions section, Residential project (p. 2 of motion) is defined as “Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick’s Inclusionary Zoning Bylaw.” **Ms. Evans** said that is the definition of “Residential Project” is part of the overall Zoning Bylaw and is applicable to the Inclusionary Bylaw section of the Zoning Bylaw.

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

Ms. Evans said that V-J.3 states “If the development of a Residential Project set forth in Section V-J.2 is allowed By-Right in the zoning district in which the Project is located, the Applicant may elect to develop said Project under an Inclusionary Housing Special Permit according to the provisions of Section V-J.4.B. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application

procedure for the Special Permit shall be as defined in Section VI of the Town's zoning bylaw." **Ms. Collins** questioned whether this would include the criteria to evaluate the special permit application because it says "procedure for the Special Permit shall be as defined in Section VI..." **Ms. Evans** stated that the procedure will include a review of the criteria and offered to confer with Town Counsel about this and to see whether they would read it more narrowly.

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

Ms. Collins: Getting back to V-J.10, the sample language offered by the state doesn't use "supersede", but says "the more restrictive would govern". **Mr. Fields** said that the version he used (from 6 months ago) had supersede in it, although it may have changed to this language in a newer version.

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

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

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

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

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

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

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

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

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

Article 32 to October 17. If there are other changes that come up, we can examine them, but I would encourage the forward movement of this Article at this time. It's complicated, but it's very solid and workable.

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

Mr. Linehan: On p. 15, is stated that he thought that the reference to lot should be changed to project "calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A,...". You could put multiple dwellings on one lot, but if these are single-family or two-family, it's not a lot, it's a project site. **Mr. Fields** will replace "lot" with "project site".

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

Article 32, Motion A

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

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

Debate:

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

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

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

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

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

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

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

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

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

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

Mr. Hayes said that he's comfortable, despite knowing that there are things that need to be addressed in this document, and don't know whether they are glaring and put us at risk. I received feedback from a Town Meeting member who thanked us for getting the recommendation book out on time so that he could read before Town Meeting, which means that they rely on us to help them form their opinion. If I

support Favorable Action, I might not be able to help Town Meeting understand that there are some unresolved issues. However, if I support referral to the Planning Board, a bunch of other people will say this is not ready for prime time, so I'm not going to listen on the floor of Town Meeting to what may have happened from October 9 two whenever we hear it at Town Meeting because the Finance Committee book says referral to the Planning Board. Therefore, I will support the favorable action motion, but I won't support FA on the floor of Town Meeting if these motions don't incorporate a number of changes that were offered this evening and additional changes that will be provided subsequent to this Meeting in the next week or two.

Article 32, Motion D

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

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

Debate:

Ms. Collins noted that, in discussion of Motion A, there was discussion about lawyers. I'm not a lawyer, but am just reading the English language. The words in the Zoning Bylaw are what matters because that is all the Town has for protection. If the words aren't right, then someone will find errors because they are more familiar with Zoning Bylaw than I am. There are a number of things that I didn't go into, including words that aren't defined. For example, in Section V-J.2.A.3, it says "*Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services Elderly Family Residences don't have accompanying services.*" Does that mean that Elderly Family residences are included? In my opinion, there are more policy-level decisions that need to be made such as the inability of a developer to build off-site units except if they are doing six or more on-site units in one project location. I haven't figured out yet whether we have a problem with the subdivision control law - if I have a vacant piece of land that's big enough such that I can divided into two smaller lots and put a house on each lot, this would then be required to add an additional affordable unit because it is tow "net new" dwelling units, even though you comply with all other zoning requirements. Section V-J.10 says that this section will supersede existing Zoning Bylaw and that concerns me. Thirty-five percent in waivers and modifications eliminates things like sky exposure planes, lot coverage, side-yard and rear-yard setbacks. In section V-E it says No increase greater than 10% shall be allowed in any of the following regulatory factors: height, building coverage, lot coverage, number of units, any density measure, or sky-exposure plane, *except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J,*" You could, potentially have a 35' house located with a 6 foot setback. To me, good is like grenades or hydrogen bombs, they are close. One of the things that I'd still like to discuss is why we would allow developers in South Natick to buy their way out. Is there another way that we get units instead? I have serious concerns about this motion and don't believe it's in good enough shape to recommend that Town Meeting approve it.

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

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

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

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

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

Mr. Scurlock said that he would like to see this go forward. **Mr. Evans** spoke about an unfriendly 40B. I witnessed 100 citizens requesting that a development not move forward and am concerned that a Town board or Committee can allow this to go forward. I'm not clear how this stops that process, but I do hope that **Ms. Collins** will be able to get her suggestions incorporated into these motions.

Article 32, Motion B

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

Debate:

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

Ms. Tinney no further comment

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

Article 32, Motion C

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

Debate:

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

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

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

Mr. Coburn said I've taken to heart the **Chair's** comments on Motion A, especially the statement that Town Meeting members look no further than the 2-3 words attached to our recommendation in the Finance Committee recommendation book. I think that if a couple of these motions have no recommendation, Town Meeting members are going to ask why and will pay attention to more than 2-3 words, and that's healthy.

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

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

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

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

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

available before Town Meeting. We can also review the suggested changes with Town Counsel to verify that they are correct.

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

Article 40 - Amend the Town of Natick By-Laws: Create New Committee

Mr. Hayes reminded **Mr. Sullivan** that as the citizen sponsor of this Article, he is entitled to vote on it, but must leave the presentation chair and return to the Finance Committee side to debate and vote on this article.

Mr. Sullivan said that the timing of this Meeting is appropriate. We had tried scheduling this earlier, but my business travel prevented doing it before tonight. The Meetings that I missed were heavy on zoning, but I watched the replays (4' 59", 5' 42", 3' 55", and 4' 2" long).

Article 40 is intended to streamline zoning bylaw hearings at finance Committee Meetings and preventing them from becoming excruciating long working sessions, so that we can have a little more of an executive review. It's designed to ensure that has a process that Town Meeting can feel confident in the result. It's not a policy making group, voting entity or a "Planning Board lite". This is not a Finance Committee subCommittee, but an appointed Advisory board. In reviewing the previous Meeting on Zoning Bylaws, I saw one member very involved and 10 or so other members who were along for the ride and one person who had 70-80 questions, a copy of the Zoning Bylaws. Identified issues were both grammatical and substantive on a Zoning Bylaws that had been approved by the Planning Board on a 5 – 0 – 0 vote. Last year, we had an urgent issue raised to the Finance Committee by the former Chair of the Finance Committee, where developers had the ability to take advantage of the Town, and had gone through a substantive review process and was also reviewed by the Planning Board. We have a Zoning Bylaws re-write. The Finance Committee is also responsible for reviewing citizen petitions on zoning, some crafted by savvy land-use lawyers and some put together by citizens who have little understanding of Zoning Bylaws. Once the warrant closes, the Zoning Advisory Committee would analyze those warrant articles and be given the authority to meet with the sponsors and/or the planning board and go through the vetting process so that we can more efficient. I've distributed a copy of the draft motion.

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

PROPOSED MOTION A:

Move to amend the Town of Natick By-Laws by adding a new Article 23B – Zoning Advisory Committee, said standing Committee being authorized by Section 2-11(e) of the Natick Home Rule Charter, and Massachusetts General Law, Chapter 39 § 16. Said new Article 23B – Zoning Advisory Committee shall read as follows:

"Section 1 - Purpose of the Zoning Advisory Committee

1.1 The Zoning Advisory Committee shall serve as an advisor to Town Meeting and the Finance Committee with respect to all zoning warrant articles. Specifically it shall study, review, recommend

and/or report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting action.

1.2 Furthermore, the Committee shall conduct any studies and analyses of the Town it deems you necessary for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters.

Section 2 - Composition, Term of Office; Eligibility; Removal, Resignation

2.1 Composition, Term of Office – There shall be a Zoning Advisory Committee, consisting of five (5) members appointed by the Town Moderator for terms of three (3) years each, which shall begin on July 1 of each year except that when the Committee is initially established, one (1) member shall be appointed for a term of one (1) year, two (2) shall be appointed for terms of two (2) years, and two (2) shall be appointed for terms of three (3) years; any vacancy occurring on the Committee shall be filled for the balance of any unexpired term. At the first Meeting of each new fiscal year, the Zoning Advisory Committee shall conduct an organizational Meeting to elect from its members a chair, a vice-chair and a clerk.

2.2 Eligibility – Any Town Meeting member or registered voter [with expertise, experience or into you rest in zoning and the development] of the Town of Natick shall be eligible to serve on the Zoning Advisory

Committee provided, however, that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said Committee. Zoning Advisory Committee members may, however, serve on Committees that advise decision-making Town agencies or Town Meeting.

2.3 Removal, Resignation - Any member of the Zoning Advisory Committee who files for any Town elective office except that of Town Meeting member or Constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Zoning Advisory Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Zoning Advisory Committee members.

Section 3 - Role and Responsibilities of Zoning Advisory Committee

Consistent with its purposes, the Zoning Advisory Committee shall:

3.1 Consider all zoning-related matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report its recommendation as to each such article to the Natick Finance Committee. Further, the Zoning Advisory Committee shall distribute a written report of its recommendations to each Town Meeting Member at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The Committee's recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such.

3.2 Conduct zoning-related studies and analyses of the Town for the purpose of informing the Town and Town Meeting on matters related to and/or consistent with the purpose of the Committee.

3.3 Report the doings of the Committee each year, including any recommendations or suggestions it deems advisable on any zoning-related matters pertaining to the welfare of the Town.

3.4 Advise other Town Boards, Committees, and Commissions on zoning, land use and related matters as may be requested.

3.5 To ensure timely review and allow sufficient time to properly study the issues, the Chair shall be notified within 48 hours of the receipt by any Town staff of any zoning-related warrant article submitted for inclusion in a warrant without waiting for the close of said warrant."

PROPOSED MOTION B:

Move to amend the Natick By-Laws Article 22 – Town Counsel by inserting in Section 5(c) the words “Zoning Advisory Committee,” after the words “Retirement Board,” and before the words “Personnel Board” in the last line of the section so that Article 22 – Town Counsel, Section 5(c) of the Natick By-Laws shall read, “The following shall have the right to request of Town Counsel advice concerning their duties: members of the Board of Selectmen, Town Clerk, Superintendent of Schools, Building Commissioner, Director of Public Works, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, Zoning Advisory Committee, Personnel Board and Recreation and Parks Commission.”

Questions from the Committee:

Mr. Rooney asked whether the Advisory Committee would have the authority to work with people who aren't members of the finance Committee. **Mr. Sullivan** said they could meet with proponents of warrant articles, either citizen petitioners or sponsored by the Planning Board, including CED and Town Counsel.

Mr. Coburn had a question RE: timeline the name of one of one: motion you is e and statutory deadlines for submitting warrant articles. This would be a public body, subject to OML requirements. There are a number of reasons why bodies tasked with reviewing these Zoning Bylaws do so at a somewhat plodding pace in a fairly constrained timeframe between the posting deadline in the beginning of Town Meeting. My concern is whether people who have the in-depth knowledge have enough time to exercise it or something else needs to be amended to give them that time. **Mr. Sullivan** said that one of the pluses of this Advisory Committee would be that the lead time for Meetings wouldn't be as onerous as they are for the planning board. In some cases, the Finance Committee made no recommendations to Town Meeting because for that particular Meeting or Meetings, we did not have a full quorum of members to reach the quantum of votes to make a recommendation to Town Meeting. There are other ancient instances where we are reviewing the zoning articles in the planning board has not yet voted on them. This Advisory group could hopefully be a little more nimble in being able to review the zoning articles in a timelier manner.

Mr. Coburn suggested the setting of an earlier submission deadline for Town Meeting articles related to zoning. **Mr. Sullivan** stated that there is a lot of “sausage-making” that occurs after these articles have been submitted. If we could have an Advisory group that is working in parallel while the finance Committee is working on budget and finance issues, we might be more efficient.

Mr. Evans asked RE: the proposed Motion A, 1.1 “The Zoning Advisory Committee shall serve as an advisor to Town Meeting and the Finance Committee with respect to all zoning warrant articles. Specifically it shall study, review, recommend and/or report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting action.” Earlier, I thought you said that the purpose was to be an Advisory group to the finance Committee, yet this article reads as though it is also an Advisory to Town Meeting. Given that we are an Advisory Committee to Town Meeting, this Advisory group could advise Town Meeting if Town Meeting sought that input.

Ms. Wollschlager: Section 1.2”...the Committee shall conduct any studies and analyses of the Town it deems you necessary for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters.” Does this mean that it could decide to study only any

zoning matter it wanted to study, not in conjunction with any Town Meeting action? **Mr. Sullivan** replied that much of their work would come at the direction of the finance Committee, but if the Committee felt there was something more substantive to study, they could also do so.

Ms. Wollschlager said It seems like this is broader than an Advisory Committee to the finance Committee. **Mr. Sullivan** said that the intent was to give this Advisory Committee latitude to investigate things, but this may be defined to broadly and he is amenable to making modifications to make it clearer that the Advisory Committee operates at the direction of the finance Committee.

Mr. Coffey asked whether this would alter the requirement of the finance Committee to review the zoning articles. **Mr. Sullivan** said that the finance Committee would still review zoning articles, but would be able to do so more efficiently using the inputs from the Advisory Committee.

Mr. Hayes said that c. 23 § 4 of the Natick Town Bylaws The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report, in print, its recommendations to Town Meeting and distribute its report to Town Meeting Members at least seven (7) days in advance of a Town Meeting. It doesn't say that we have to review a given warrant article, just give it due consideration in order to provide a recommendation to Town Meeting. If there were an Advisory Committee that was going to use specialized in a given area such as zoning, they could do all the due diligence and vetting on behalf of the finance Committee. Then, the public hearing could be an executive summary discussion of the inputs of the Advisory Committee.

Ms. Collins, in Motion A § 3.5, it looks like you've specifically called out how to get the finance Committee and the information in a more timely manner, i.e., in advance of the warrant closing. (**Mr. Sullivan** confirmed this)

Ms. Collins also said if Town Meeting would also be able to consider referring something to the Advisory Committee (**Mr. Sullivan** confirmed this).

Ms. Collins asked whether any other Committees have Advisory Committees. **Mr. Coburn** said only the Board of Selectmen.

Mr. Linehan noted that one of the purposes was to be freed from the scheduling of the planning board.

Mr. Sullivan said that there have been times when the planning board has continued its hearing on a given zoning article and we have not received their recommendations before we've had to vote on whether to support an article or not, we can have an Advisory group that is not bound by those restrictions. The inclusionary zoning bylaw that we just reviewed was pulled from 2018 Spring Annual Town Meeting and we did nothing with it until it came before us again on the 2018 Fall annual Town Meeting.

Mr. Linehan asked why they needed the formation of a new Committee rather than integrating more people into the existing working group(s) that are reviewing zoning bylaws. I'm concerned that this Advisory Committee could be perceived as carving out some of the planning board's duties. **Mr. Sullivan** stated that many zoning articles don't have working groups.

Mr. Hayes defined what the "working group" is in the Planning Board context. If it's Planning Board-sponsored, It consists of two members of the Planning Board and CED staff. If it's a developer-sponsored article, it consists of two Planning Board members, the developer, and CED staff. **Mr. Sullivan** said that the planning board working group can work with any other Committees in Town, for example, the affordable housing Committee. The zoning Advisory Committee could be another such Committee with whom they would be able to consult.

Mr. Linehan asked whether another Committee was needed. **Mr. Sullivan** stated that none of the present Finance Committee members have the background, expertise or interest in Zoning Bylaws. One

of the experts in this area left the Committee due to term limits and the other will be leaving early next year.

Mr. Linehan asked **Mr. Hayes** whether there is anything that would preclude the finance Committee subCommittee from having either official or unofficial members providing this type of expertise to the finance Committee subCommittee? **Mr. Hayes** said that the subCommittee could invite any subject matter experts they choose to invite. Their participation would be noted in the minutes of that subCommittee.

Mr. Scurlock asked **Mr. Sullivan** to confirm that the intent is to speed up the review process of zoning articles. (**Mr. Sullivan** confirmed).

Ms Tinney asked whether this Advisory Committee is intended to weigh in on a recommendation for a given zoning article. **Mr. Sullivan** envisioned this Advisory Committee as providing information to the finance Committee to allow them to make a recommendation to Town Meeting.

Ms. Tinney asked if it would be better if the Advisory Committee did not make a recommendation to the finance Committee, but reviewed and provided an unbiased position on what the articles are so we don't simply follow the recommendations of that Advisory Committee and abdicate our responsibility as finance Committee members. **Mr. Sullivan** said that the Advisory Committee's recommendations would be similar to those of the planning board's recommendations - advice to the finance Committee.

Mr. Rooney said that § 1.1 says that the Advisory Committee makes recommendations to the finance Committee and Town Meeting, and § 3.1 states making a written recommendation to the finance Committee and Town Meeting. If I were a Town Meeting member, I'd feel that I have as much right to hear what the Zoning Advisory Committee had to say as anyone, even before the Finance Committee recommendations, and they have an obligation to me as a Town Meeting member to keep me informed.

Mr. Hayes stated that:

- the Advisory Committee advises both the Finance Committee and Town Meeting
- § 1.2 indicates that this study can go off and do any study that it wants, but just has to report it back to Town Meeting.
- § 3.1, 2nd sentence, obligates this Advisory Committee to provide recommendations to the finance Committee and also provide its own report to Town Meeting seven days in advance of Town Meeting.
- § 3.1, 3rd sentence, states that it requires a majority of the five members of this subCommittee. How does that give you a better chance of getting agreement on recommendation vs. the 15 members of the Finance Committee.

Mr. Hayes suggested the following changes to the proposed motion

PROPOSED MOTION A:

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2.2 Eligibility – Any Town Meeting member or registered voter [with expertise, experience or inte you rest in zoning and the development] of the Town of Natick shall be eligible to serve on the Zoning Advisory

Committee provided, however, that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said Committee. Zoning Advisory Committee members may, however, serve on Committees that advise decision-making Town agencies or Town Meeting.

2.3 Removal, Resignation - Any member of the Zoning Advisory Committee who files for any Town elective office except that of Town Meeting member or Constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Zoning Advisory Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Zoning Advisory Committee members.

Section 3 - Role and Responsibilities of Zoning Advisory Committee

Consistent with its purposes, the Zoning Advisory Committee shall:

3.1 Consider all zoning-related matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report its recommendation as to each such article to the Natick Finance Committee **Recommendation Book**. ~~Further, the Zoning Advisory Committee shall distribute a written report of its recommendations to each Town Meeting Member at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting.~~ The Committee’s recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such.

3.2 Conduct zoning-related studies and analyses of the Town **as required by a majority vote of the finance Committee** for the purpose of informing the Town and Town Meeting on matters related to and/or consistent with the purpose of the Committee.

3.3 Report the doings of the Committee each year, including any recommendations or suggestions it deems advisable on any zoning-related matters pertaining to the welfare of the Town **through the Town Committee Report**.

3.4 Advise other Town Boards, Committees, and Commissions on zoning, land use and related matters as may be requested.

3.5 To ensure timely review and allow sufficient time to properly study the issues, the Chair shall be notified within 48 hours of the receipt by any Town staff of any zoning-related warrant article submitted for inclusion in a warrant without waiting for the close of said warrant.”

Mr. Hayes asked **Mr. Sullivan** to take these changes under advisement and he agreed to do so.

Mr. Hayes reviewed the timing of an article submission to Town Meeting. Up until the warrant closes, a warrant can be added or withdrawn by the sponsor. Then comes the attestation period where the Board of Selectmen must approve it, and then it must be provided to the Planning Board within five days. The Planning Board cannot act on it until the Board of Selectmen has attested it and they have added it 14 days in advance of a Planning Board Meeting. The Planning Board cannot post their hearing on these articles until the CED has received all the appropriate information for that article. Further the spring Town Meeting warrant doesn't close until around mid-February and we are able to front-end load the budget and operational items is because the other articles on the warrant aren't available until late February and the budget was filed on the first business day in January.

Mr. Evans said that the Planning Board requests that private proponents of zoning changes work with the CED department and the CED requests information well in advance of the warrant closing and makes suggestions to these proponents. The chairman spoke of the logjam that occurs in getting this on the agenda. My question is how do you resolve conflicts between the recommendations of this Advisory Committee vs. recommendations from the Planning Board? **Mr. Sullivan** stated that the Advisory Committee gives the Finance Committee another data point to use in our deliberations before making a recommendation.

Mr. Coburn moved to Referral to the Sponsor, the Finance Committee, and the Town Moderator, seconded by Mr. Evans, voted 3 – 7 – 2.

Ms Collins moved Favorable Action on Article 40, as amended by Chairman Hayes' edits, seconded by Mr. Hayes, voted 5 – 6 – 1.

Mr. moved to Referral to the Sponsor, the Finance Committee, the Planning Board and the Town Moderator, seconded by Mr. Linehan , voted 5 – 6 – 1.

Debate:

Mr. Coburn thanked **Mr. Sullivan** and his co-sponsors for this article and believes it is not quite ready for prime time because making this an effective change may require a change to the Town bylaws, perhaps even a charter amendment. I am delighted at the enthusiasm than I'm seeing on this article and hope that should this Committee be created that **Ms. Collins** is one of the first people to seek appointment. However, the structure does not seem accountable and facilitating to me yet and isn't in sync with all the moving parts of local government which is designed to be decentralize authority and power. I think that this may further decentralize things can unintendedly make things less efficient. I'm going to vote in favor of both referral motions.

Mr. Evans said **Mr. Coburn** summarized his feelings about this proposal. In my opinion, it's too broad. The changes suggested by the chairman went a long way towards making me more comfortable but there is still work to do. However, I'm fully supportive of the objective and think the Zoning Bylaw review is a perfect example of where this might be helpful.

Mr. Coffey also said this is a good idea but not quite there yet. Since this does involve zoning, we should include the Planning Board as a courtesy to them to include them in the process. **Mr. Coffey** thanked **Mr. Sullivan** for his efforts on bringing this forward.

Mr. Linehan also thanked **Mr. Sullivan** for his work and acknowledged that this is a known problem that the Finance Committee needs to solve. I support the general idea, but it needs more work.

Ms. Collins said she couldn't see how the process could be less effective than it is right now and suggested that it was not simply a timing issue. Since I began on the Finance Committee in 2005, the number and complexity of Zoning Bylaws changes has greatly increased and I only see that worsening as the Planning Board finishes its work on the master plan and Zoning Bylaws re-write. Further, more citizen-sponsored articles are coming through than ever. Earlier, I said that the wording matters greatly, but zoning is also about policy choices, which I like that the Planning Board isn't included in the referral motion. The Planning Board has statutory responsibility for Zoning Bylaws under state law and this proposed Committee doesn't infringe on that at all. Many times, the Planning Board has made one recommendation and the Finance Committee has gone a different way. Town Bylaws and MGL specifically permit the creation of standing Committees. The changes offered up by the Chair address some of the concerns raised earlier. If this doesn't go forward at Town Meeting, then all the zoning articles in the spring will fall in the laps of all remaining members of the Finance Committee. The suggested tweaks don't put the Town in jeopardy as opposed to the tweaks to Zoning Bylaws because this is an amendment of the Town bylaws. I request your support for favorable action and will be voting against both referral motions.

Mr. Sullivan asked whether No Action was a viable option, rather than having to work with three or four entities should favorable action not pass. Mr Hayes stated that he was not telling members how to vote, but, if the quantum of votes doesn't reach eight members, then the Finance Committee recommendation to Town Meeting will be No Recommendation and any motion can be made on Town Meeting floor.

Mr. McCauley stated that the sausage-making process does need to get fixed. The greatest fear is not with the language because it's been cleaned up a lot and narrowing its focus to avoid drafting and editing zoning articles on the fly. My fear is that we're just creating another layer. I'm going to support this motion because I want to give it a shot, addressing this work at the subCommittee level where we present a quick report to the full Committee, rather than re-do the work the subCommittee has done with the key players.

Ms. Wollschlager thanked **Mr. Sullivan** for bringing this to our attention and the time you've spent will be worthwhile. **Mr. Sullivan** just said he isn't interested in a referral motion, so I won't support that because that would be disrespectful to him. However, I don't feel comfortable voting the favorable motion either at this point. I heard the Chairman's suggestion, but I'd prefer to have them in writing to read it through again. I'm hoping that we have No Recommendation and that **Mr. Sullivan** will incorporate our feedback and have something we can agree on in the spring.

Mr. Hayes said the suggestions he made were made because he felt this article was straddling in two places. It was empowering this Committee to do a number of things, but requiring the Advisory Committee to come back to the finance Committee on other things and was uncomfortably illogical to me. If there were no references to reporting to or advising the finance Committee, I would have been fine with it because we all know how much time we're spending on this. There is so much background work in pointing out how proponents need to work with the Planning Board. However, the way the article was written means that the Finance Committee is still involved and therefore should have greater control, and that's why I suggested my changes. Lacking a process change that the Planning Board or BOS, the Finance Committee, the Town Moderator are willing to adopt, such as opening the warrant in December and closing it in early January, so that the Planning Board has ample time before Town Meeting to get all their public hearings done, so the Finance Committee has ample time to complete its deliberations. This would require a Town charter change or process change outside of the charter. The

process is broken for the boards that have to work within the confines of the timelines that exist today. With all due respect to **Mr. Sullivan** and others who advised him on this article, this Advisory Committee is doomed to frustration and failure because the timing will work against them as well. I'm comfortable supporting this tonight and on Town Meeting floor, but I don't think this Committee or any other Committees that are intensely involved in supporting and advising Town Meeting can assume that this is going to be the panacea.

Mr. Linehan moved to close the public hearing on 2018 Fall annual Town Meeting, seconded by **Mr. Evans**, voted 12 – 0 – 0.

Meeting Minutes

Mr. Evans reviewed the feedback on the September 20 minutes that he had received. He had sent out a document correcting the scrivener's errors to the Committee.

Ms Collins moved approval, as amended, seconded by **Mr. Hayes**, voted 11 – 0 – 1.

Mr. Coffey moved to adjourn, seconded by **Ms. Collins**, voted 12 – 0 – 0.