

**2018 Natick Fall Annual Town Meeting
Natick High School Fine and Performing Arts Auditorium
Marshall Lebowitz Hall
October 25, 2018
Fourth Session**

The Fourth Session of the Natick Fall Annual Town Meeting was called to order at 7:45 PM by Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fourth Session of the Natick Fall Annual Town Meeting. There were no new members to be sworn in. The Moderator asked the audience to stand for the Pledge of Allegiance. The Moderator asked the audience to stand for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Kathy Lentini, Acting Town Clerk; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Cindy Amara and Karis North, Town Counsel; Sue Salamoff, Vice Chair: Board of Selectmen; Melissa Malone, Town Administrator.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at a previous session of this meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by *Town Meeting Time*, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

No person shall speak upon any question more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking thereon.

Moved by Mr. Jennett, seconded by Mr. Freedman to postpone consideration of Article 17 until the first order of business on October 30, 2018. ***The motion to postpone consideration of Article 17 passed by majority vote (by hand count).***

Moved by Mr. Freedman, seconded by Mr. Ostroff to postpone consideration of Article 31 until the last order of business of 2018 Fall Annual Town Meeting, seconded by Ostroff. ***The motion to postpone consideration of Article 31 passed by majority vote (by hand count).***

The Moderator announced that Town Meeting will begin with Articles 13, 14 and 32 and then move back to Article 18.

ARTICLE 13: Capital Equipment (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide as may be required for capital equipment for the various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action on Motion A:

ARTICLE #13	DATE VOTED	MOTION	QUANTUM OF VOTE
Motions A-C	September 25, 2018	Favorable Action	12-0-0

MOTION A: (requires a two-thirds vote)

Motion A was moved by Mr. Evans and seconded by Mr. Hayes.

Move that the Town vote to appropriate the sum of \$775,000 to be expended under the direction of the Department of Public Works for the purpose of replacing a trash packer (vehicle 504), replacing a truck/sander (vehicle 408), replacing a Trackless (Vehicle 426) individually shown as items 1 - 3 in Table A below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$775,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$775,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE A - MOTION A: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Replace Trash Packer (Vehicle 504)	Tax Levy Borrowing	\$ 305,000
2	Public Works	Replace Truck/Sander (Vehicle 408)	Tax Levy Borrowing	\$ 250,000
3	Public Works	Replace H-70 Trackless (Vehicle 426)	Tax Levy Borrowing	\$ 220,000
Appropriation under Article 13: MOTION A				\$ 775,000

Ms. Malone, Town Administrator introduced the article and Mr. Chenard made a presentation to Town Meeting on all of the motions included in Article 13. *The Motion A under Article 13 passed by a two-thirds vote (108-0-1).*

Motion B was moved by Mr. Evans and seconded by Mr. Hayes

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$1,028,950 to be expended under the direction of the Department of Public Works to upgrade Garage Equipment, replace a Hook-Lift Truck (Vehicle 205), replace dumpsters, and purchase Seeding Equipment, and under the direction of the Facilities Management Department to install thirty five (35) classroom projectors at the Wilson Middle School, purchase classroom furniture, fixtures, and equipment at the Lilja Elementary School, purchase new furniture at the Natick High School, purchase additional storage lockers at the Natick High School, and under the direction of the Fire Department to purchase replacement radios, and under the direction of the Police Department to purchase and install bi-directional amplifiers at the Bennett Hemenway Elementary School, replace police cruisers, replace laptop computers, Emergency Operations Center/Training Center Audio Visual Upgrade, replace variable message boards, replace the comparator and voting modules, and under the direction of Town Administration to purchase and install document storage systems individually shown as items 1 through 16 in Table B below, and that to meet this appropriation the sum of \$1,028,950 be raised from the Capital Stabilization Fund.

TABLE B, MOTION B: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Upgrade Garage Equipment	Capital Stabilization Fund	\$ 155,000
2	Public Works	Replace Hook-Lift Truck (Vehicle 205)	Capital Stabilization Fund	\$ 140,000
3	Public Works	Replace Dumpsters	Capital Stabilization Fund	\$ 15,000
4	Public Works	Seeding Equipment	Capital Stabilization Fund	\$ 16,500
5	Facilities	Wilson - Install 35 Classroom Projectors	Capital Stabilization Fund	\$ 87,500
6	Facilities	Lilja School - Purchase Classroom FFE	Capital Stabilization Fund	\$ 50,000
7	Facilities	High School - Purchase New Furniture	Capital Stabilization Fund	\$ 25,000
8	Facilities	High School - Purchase Additional Storage Lockers	Capital Stabilization Fund	\$ 10,000
9	Fire	Radio Replacement	Capital Stabilization Fund	\$ 210,000
10	Police	Bennett Hemenway Bi-Directional Amplifiers	Capital Stabilization Fund	\$ 44,000
11	Police	Cruiser Replacement	Capital Stabilization Fund	\$ 100,000
12	Police	EOC/Training Center AV Upgrade	Capital Stabilization Fund	\$ 40,000
13	Police	Replace Variable Message Boards	Capital Stabilization Fund	\$ 17,250
14	Police	Replace Comparator And Voting Modules	Capital Stabilization Fund	\$ 12,500
15	Police	Replace Laptop Computers	Capital Stabilization Fund	\$ 6,200
16	Town Admin.	Document Storage Systems	Capital Stabilization Fund	\$ 100,000
Appropriation under Article 13: MOTION B				\$ 1,028,950

Motion B under Article 13 passed unanimously (109-0-0).

Motion C was moved by Mr. Evans and seconded by Mr. Hayes

MOTION C: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$80,000 to be expended under the direction of the Public Works Department for purpose of upgrading SCADA equipment, individually shown as item 1, in Table C below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$80,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$80,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE C, MOTION C: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	SCADA Equipment Upgrade	Water Sewer Borrowing	\$ 80,000
Appropriation under Article 13: MOTION C				\$ 80,000

Motion C under Article 13 passed unanimously (112-0-0).

ARTICLE 14: Capital Improvement (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick, to add new physical infrastructure, or to improve community assets; and, further, to determine whether this appropriation shall be raised by borrowing or otherwise; or to otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #14A	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	10-1-1

Mr. Chenard gave a presentation on the subject matter of Article 14.

Motion A was moved by Mr. Evans and seconded by Mr. Hayes.

MOTION A: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$1,945,000 to be expended under the direction of the Department of Public Works for replacing Garage Doors, guardrail purchase and installation, park and field renovations, tree replacement and a tree inventory, and under the direction of the Facilities Management Department for the upgrade of electrical or generator at the Memorial School, replacing classroom carpet with tile at the Brown Elementary School, replacing exhaust fans at the Memorial Elementary School, replacing carpeting at the Public Safety Building, replacing bathroom partitions and sinks at the Lilja Elementary School, replacing chilled water supply lines at the Morse Institute Library, installing air conditioning in the Art Room, Music Room, and the Cafeteria at the Brown Elementary School, rehabilitating three office bathrooms at the Johnson Elementary School, replacing the carpet in the teacher's room with tile at the Wilson Middle School, cleaning the air conditioning ducts at the Wilson Middle School, installing a water bubbler/ice maker at the Memorial Field House, and engineering for the roof replacement at the Morse Institute Library, installing modular classrooms at the Kennedy Middle School, and under the Direction of Town Administration for Memorial Field parking lot repair and improvement, for energy efficiency projects, and under the direction of the Police Department for installation of parking meters, individually shown as items 1 through 21 in Table A below, and that to meet this appropriation the sum of \$1,945,000 be raised from the Capital Stabilization Fund.

TABLE A, MOTION A: Article 14 - Capital Improvements - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Replace Public Works Garage Doors	Capital Stabilization Fund	\$ 145,000
2	Public Works	Guardrail Purchase and Installation(Various Locations)	Capital Stabilization Fund	\$ 10,000
3	Public Works	Park And Field Renovations	Capital Stabilization Fund	\$ 205,000
4	Public Works	Tree Replacement	Capital Stabilization Fund	\$ 30,000
5	Public Works	Tree Inventory	Capital Stabilization Fund	\$ 10,000
6	Facilities	Memorial School - Electrical or Generator Upgrades	Capital Stabilization Fund	\$ 75,000
7	Facilities	Brown School - Replace Classroom Carpet With Tile	Capital Stabilization Fund	\$ 100,000
8	Facilities	Memorial School - Replace Exhaust Fans	Capital Stabilization Fund	\$ 65,000
9	Facilities	Public Safety - Replace Carpeting	Capital Stabilization Fund	\$ 60,000
10	Facilities	Lilja - Replace Bathroom Partitions And Sinks	Capital Stabilization Fund	\$ 40,000
11	Facilities	Library - Replace Chilled Water Supply Lines	Capital Stabilization Fund	\$ 35,000
12	Facilities	Brown - Install AC in the Art and Music Rooms and Cafeteria	Capital Stabilization Fund	\$ 30,000
13	Facilities	Johnson - Rehab Three Office Bathrooms	Capital Stabilization Fund	\$ 30,000
14	Facilities	Wilson - Teachers Room Carpet with Tile Replacement	Capital Stabilization Fund	\$ 10,000
15	Facilities	Wilson - AC Duct Cleaning	Capital Stabilization Fund	\$ 25,000
16	Facilities	Memorial Field House (NHS Athletics) - Install Water Bubbler / Ice Maker	Capital Stabilization Fund	\$ 10,000
17	Facilities	Library - Replace The Roof (Engineering)	Capital Stabilization Fund	\$ 50,000
18	Facilities	Modulars Kennedy Middle School	Capital Stabilization Fund	\$ 455,000
19	Town Administration	Memorial Field Parking Lot Repair And Improvement	Capital Stabilization Fund	\$ 350,000
20	Town Administration	Energy Efficiency Projects	Capital Stabilization Fund	\$ 150,000
21	Police	Parking Meter Installation	Capital Stabilization Fund	\$ 60,000

Appropriation under Article 14: MOTION A \$ 1,945,000

Motion A under Article 14 passed by a two-thirds vote (111-1-0).

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #14	DATE VOTED	MOTION	QUANTUM OF VOTE
Motions B-D	September 25, 2018	Favorable Action	12-0-0

Motion B was moved by Mr. Evans and seconded by Mr. Hayes.

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Public Works Department for purpose of water distribution system enhancements individually shown as item 1, in Table B below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$150,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$150,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE B, MOTION B: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Water Distribution System Enhancements	Water Sewer Borrowing	\$ 150,000

Appropriation under Article 14: MOTION B \$ 150,000

Motion B under Article 14 passed unanimously (112-0-0).

Motion C was moved by Mr. Evans and seconded by Mr. Hayes

MOTION C: (majority vote required)

Move that the Town vote to appropriate the sum of \$20,500 to be expended under the direction of the Public Works Department for the purpose of the engineering for replacing Water Treatment Plant stand-by generators, and engineering for the replacement the Capt Tom's booster pump, individually shown as items 1 and 2 in Table C below, and that to meet this appropriation the sum of \$20,500 be raised from the Water Sewer Retained Earnings.

TABLE C - MOTION C: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Replace Water Treatment Plant Stand-by Generators (Engineering)	Water Sewer Retained Earnings	\$ 10,500
2	Water Sewer Enterprise	Capt Tom's Booster Pump (Engineering)	Water Sewer Retained Earnings	\$ 10,000

Appropriation under Article 14: MOTION C \$ 20,500

Motion C under Article 14 passed unanimously (111-0-0).

Motion D was moved by Mr. Evans and seconded by Mr. Hayes

MOTION D:(two-thirds vote required)

Move that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Public Works Department for the purpose of Sewer Collection System Repairs & Maintenance, individually shown as item 1 in Table D below, and that to meet this appropriation the sum of \$150,000 be raised from the Inflow and Infiltration Stabilization Fund.

TABLE D - MOTION D: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Sewer Collection System Repairs & Maint	I & I Stabilization Fund	\$ 150,000
Appropriation under Article 14: MOTION D				\$ 150,000

Motion D under Article 14 passed unanimously (112-0-0).

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

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

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

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

- Purpose and Intent to encourage the development of affordable housing
- Applicability of mandatory provisions of affordable units
- Affordable housing unit requirements (on site and off site)
- Special permit requirements
- Fees-in-lieu of affordable unit requirements
- Density Bonus
- Maximum income and sell price provisions
- Preservation of affordability and restrictions on resale of units;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

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

The Moderator announced that in Article 32 the motion will be considered in the following order; Motion A, D, B and then C.

MOTION A: (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Mr. Hayes to amend **Section 200 - DEFINITIONS** of the Natick Zoning Bylaws replacing the existing definition of 'Affordable Housing Units' with the following:

"Affordable Dwelling Units: Dwelling units that meet all the requirements of Affordable Housing. Also referred to as **Affordable Units.**"

and by inserting new definitions for 'Buildable Land', 'Eligible Household', 'Fee-in-lieu-of Units', 'Initial Rent of an Affordable Dwelling Unit', 'Initial Sales Price of an Affordable Dwelling Unit', 'Median Income', 'Phased or Segmented Housing Development', 'Residential Project', and 'Total Development Cost' as follows:

"Buildable Land: A parcel or parcels of property developable for the equivalent number of affordable units for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw. The parcel(s) must be developable for this purpose under existing zoning and subdivision regulations without variances or waivers of any kind, including those from other bodies having regulatory authority over the development of any portion unless such variances or waivers have already been obtained."

"Eligible Household: A household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56."

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

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

"Initial Sales Price of an Affordable Dwelling Unit: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment shall not exceed thirty percent (30%) of household income of up to seventy percent (70%) of monthly Median Income. Calculation of the initial sales price shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees (if any). The Initial Sales Price shall not exceed the Maximum Initial Sales Price, as defined in the Mass Housing 40B Affordability Monitoring Handbook."

"Median Income: The Eligible Household income limit entitled "Area Median Income," as set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development."

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

"Residential Project: Development projects with residential uses including, but not limited to, 1, 1A, 2, 3, 4, 5, and 50B Listed in Use Regulation Schedule III-A.2 and residential overlay districts (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw. This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C. "

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

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

Ms. Evans provided brief background on this article and Mr. Fields gave a presentation on the article. Mr. Fields explained that Motion A adds definitions to Section 200 of the Zoning By-law, Motion B revises the Section III-A.2 Use Regulation Schedule of the Zoning By-law, Motion C revises various sections of the Zoning By-law; and Motion D add Section V-J Inclusionary Affordable Housing Requirement to the Zoning By-law. Debate ensued on Motion A.

Motion A under Article 32 passed by a two-thirds vote (105-3-4).

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #32 Motions B-D	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 22	Favorable Action	11-0-0

MOTION D: (requires a two-thirds vote)

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

“SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

V-J.1 Purpose and Intent

In addition to the purpose and intent set forth in Section 100 and Section 108 of the Natick Zoning Bylaw, the purpose of this bylaw is to encourage development of new housing that is affordable to eligible households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-23 and 760 CMR 56 or other affordable housing programs developed by federal, state, county and local governments so that the affordable dwelling units that result from this bylaw can be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth’s Department of Housing and Community Development (DHCD).

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

A. Pursuant to G.L. Chapter 40A, sect. 9, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following:

1. Any Residential Project, including Phased or Segmented Housing Developments, that results in a net increase of two (2) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
2. Any Residential Project involving subdivision of land for development of two (2) or more dwelling units under an IHSP; and
3. Any Residential Project that includes two (2) or more assisted living units and accompanying services, unless a determination has been made satisfactory to the SPGA that such living units do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).

V-J.3 Special Permit

The development of any Residential Project set forth in Section V-J.2 shall require the grant of an Inclusionary Housing Special Permit (IHSP) from the Planning Board as the Special Permit Granting Authority (SPGA). If the development of a Residential Project is allowed As-of-Right, the Applicant may elect to develop said Project under an IHSP 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 and Section VI-DD.2.A.

Since it is the intent of this bylaw to prohibit the subdivision of land or phasing of development to avoid the requirements of this section, it shall be presumed that land held in common ownership at the time this bylaw is approved shall be included for the purposes of calculating the number of affordable units to be provided. It shall also be presumed that phased developments of land held in common ownership shall be considered in its totality rather than as separate projects. These presumptions are rebuttable only upon credible evidence to the contrary. Further, if the SPGA determines that an applicant has established surrogate or subsidiary entities to avoid the requirements of this Section, a special permit shall be denied.

V-J.4 Mandatory Provision of Affordable Units

A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements and as illustrated in Table V-J.4:

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

1. At least twenty (20) percent of the units in a Residential Project on a division of land or multiple unit development with thirty (30) or more units in the Downtown Mixed Use district subject to this bylaw, rounded up to the nearest whole number and exclusive of additional dwellings allowed under Section V-J.4.B, shall be established as affordable dwelling units in any one or combination of methods provided for above in V-J.4.A.1.

2. As a condition of approval for an Inclusionary Housing Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or the value of land provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question, prepared by a Massachusetts-certified appraiser and dated within six (6) months of the application, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units produced on-site, off-site, or contributed through fees-in-lieu or buildable land may consist of a mix of housing types, except as provided for below:

- a) In Residential Projects, including Phased and Segmented Developments, comprising six (6) or more single-family dwellings, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d) offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.

- b) In Residential Projects, including Phased and Segmented Developments, which result in a net increase of two (2) to five (5) dwelling units, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust. Such funds shall be used to assist households to occupy Affordable Dwelling Units in Natick, including the construction, purchase, or rehabilitation of such units consistent with this section in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent with Section V-J.4.A.1.

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

Residential Project, type:	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
Multi-family dwellings, or mix of single-, two-, or multi-family dwellings (Projects with 6 or more units) Section V-J4.A.1	a) Provision of Affordable unit(s), on site b) Provision of Affordable unit(s), off-site* c) Provision of fee-in-lieu of units payment d) Provision of buildable land *at 110% of value of on-site unit
Single-family dwellings only (Projects with 6 or more units) Section V-J4.A.3 (a)	c) Provision of fee-in-lieu of units payment d) Provision of buildable land
Single-, two-, or multi-family dwellings (Projects with 2-5 units) Section V-J4.A.3 (b)	c) Provision of fee-in-lieu of units payment

3. As a condition for the granting of an Inclusionary Housing Special Permit (IHSP), all affordable dwelling units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, shall ensure that affordable units are affordable in perpetuity, and shall ensure that affordable units can be counted toward the Natick Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the SPGA and the Building Commissioner.

B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, or any other Residential Projects that are allowed As-of-Right in the zoning district underlying their location, that yield an increase of two (2) to five (5) net new dwelling units the SPGA may allow the addition of one (1) unregulated Dwelling Unit in return for fee-in-lieu payment as part of compliance with the IHSP process outlined in Section V-J.4.A.1. For Residential Projects consisting entirely of single or two-family homes, or that are allowed As of right in the zoning district underlying their location, that yield an increase of six (6) or more net new dwelling units the SPGA may allow the addition of two (2) additional Dwelling Units for each Affordable Dwelling Unit provided as part of compliance with the IHSP process outlined in Section V-J.4.A.1. In order to accommodate those additional unregulated units on site, 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 cumulative increase of 35% or, calculated separately, a maximum cumulative decrease of 35%. These shall be calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a site for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A, provided that the Floor Area Ratio of all units in the subject Residential Project not exceed 250% of the Maximum Lot Coverage permitted in the applicable zoning district under Section IV.B. The SPGA may place conditions on the number of bedrooms and other characteristics of additional Unregulated Dwelling Units permitted as part of

compliance with the provisions outlined in Section V-J.4.A.

Example 1: An Applicant can build a Residential Project on a subdivision with five homes (As-of-Right) in an RSA zone. Under V-J.4.B, that Applicant could request an IHSP, under which they could build six homes (the original 5 unregulated units + 1 additional unregulated unit) and make a payment to the Natick Affordable Housing Trust as specified in Section V-J.7. The Floor Area Ratio (FAR) of each of these six units, as well as the units in total, could not exceed 0.625 (2.5 x Maximum Lot Coverage of 25% in the RSA zone).

Example 2: An Applicant can build a Residential Project on a subdivision with ten two-family homes with twenty dwellings (As-of-Right) in an RG zone. Under V-J.4.B, the Applicant could request an IHSP, which would require three (3) dwellings designated as Affordable Units, but would allow a total of twenty-six units (23 unregulated units + 3 affordable units) to be developed on the site. Alternatively, at the discretion of the SPGA, the Applicant makes some combination of off-site units, payment to the Natick Affordable Housing Trust, or a grant of buildable land, as specified in Sections V-J.6.A, V-J.7, and V-J.4.A.4, respectively in place of providing the three (3) affordable units on-site. The Floor Area Ratio (FAR) of each of these 26 units, as well as the units in total, could not exceed 0.625. (2.5 x Maximum Lot Coverage of 25% in the RSA zone).

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

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be distributed proportionately within the development so as not to be in less desirable locations than unregulated units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the unregulated units.
- B. Minimum design and construction standards for affordable units. All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction Standards for Local Initiative Units specified by the Department of Housing and Community Development in the Guidelines for the Local Initiative Program. Affordable dwelling units shall be integrated with the rest of the development, shall be proportionately distributed in terms of unit size/type and shall be comparable in exterior design, appearance, construction, and quality of materials with other units. Interior features of affordable units shall contain, at a minimum, complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, a microwave oven, and access to laundry facilities. The interior finishes and features of affordable units may differ from those of market-rate units, provided that such finishes and features are durable, of good quality and consistent with current standards for new housing. The Planning Board reserves the right to consult with the Building Commissioner to verify the durability and quality of interior finishes proposed by the applicant and to require changes to better achieve comparability of units. All affordable dwelling units shall have an equivalent level of accessibility as that of the market-rate units.
- C. Timing of construction or provision of affordable units or land. Affordable dwelling units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

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

Fractions of units shall not be counted.

- D. Pricing of Affordable Units. The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall equal the number of bedrooms in each Affordable Unit plus one (1).
- E. Local Preference. Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered for 180 days in the following priority, to:
- F. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its Housing Production

Plan to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

- G. Condominiums. Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership. Condominium fees shall be included in the calculation of Initial Sales Price in Section V-J.8.
- H. Legal Review. All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

V-J.6 Provision of Affordable Dwelling Units Off-Site:

- A. An applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, valued at one hundred and ten percent (110%) of those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5.B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided must be approved by the SPGA as an integral element of the Inclusionary Housing Special Permit review and approval process.
- B. If the applicant's proposal involves existing dwelling units, the special permit application must demonstrate to the SPGA's satisfaction that the following conditions have or will be met prior to the issuance of any building permits for the Residential Project.
 - 1. Evidence that the applicant owns or will own the premises
 - 2. The dwelling unit(s) has/have no violations of the State Building Code or Article II of the State Sanitary Code
 - 3. The dwelling units(s) has/have no lead paint hazards
 - 4. The dwelling unit(s) is/are/will be vacant
 - 5. No Eligible Households will be displaced permanently
 - 6. No existing affordable dwelling units will be eliminated.
- C. Approved off-site units shall also comply with the same project schedule, affordability provisions and marketing plan requirements that apply to the Residential Project units

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

Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost for all units in the Residential Project, calculated as: $0.125 \times \text{Initial Sales Price of an Affordable Dwelling Unit of identical size (in terms of average number of bedrooms)}$, and shall be payable on the same schedule set forth in Section V-J.5.C and in full prior to issuance of a final occupancy permit. The SPGA shall annually review the acceptable value of the fee in-lieu-of units according to maximum income levels promulgated by the Commonwealth's Department of Housing and Community Development.

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

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

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

- A. To ensure that only eligible households purchase affordable dwelling units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer

of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.

- B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), as specified in the guidelines for the Local Initiative Program, or as revised by the Town.

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

- A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.4). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property recorded at the Registry of Deeds and shall be in force in perpetuity. The terms "Base Income Number," "Resale Price Multiplier," "Resale Fee," "Approved Capital Improvements," and "Maximum Resale Price" are as defined in the MassHousing 40B Affordability Monitoring Handbook.
 - 1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the sum of
 - i) the Base Income Number (at the time of resale) multiplied by the Resale Price Multiplier, PLUS
 - ii) the Resale Fee and any necessary marketing expenses (including the broker's fees) as may have been approved by the Monitoring Agent, PLUS
 - iii) Approved Capital Improvements, if any, made with the consent of the Town and Department of Housing and Community Development (DHCD).

In no event shall the Maximum Resale Price be greater than the purchase price for which a credit-worthy Eligible Household could obtain mortgage financing (such purchase price as determined by the Monitoring Agent using the same methodology used by DHCD for its Local Initiative Program or similar comprehensive permit program). The Maximum Resale Price shall not be less than the purchase price paid for the Property by the owner unless the Owner agrees to accept a lower price.

- 2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located within 90 days of receiving notification.
- 3. The SPGA shall require, as a condition for an Inclusionary Housing Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2 above. The Building Commissioner shall not issue an occupancy permit for any affordable unit until the deed restriction has been recorded.

V-J.10 Periodic Review of Inclusionary Housing Requirements

In conjunction with the five-year update of the Town's Housing Production Plan, the Natick Affordable Housing Trust shall evaluate the Inclusionary Affordable Housing Requirements. Such evaluation shall include a report provided to the Board of Selectmen and the Planning Board reviewing factors such as changes in demographic characteristics and residential development activity, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, prices for dwelling units, and affordability, and the relationship between Inclusionary Housing projects and all housing in Natick. The Natick Affordable Housing Trust shall also prepare an annual report to the Planning Board on the Inclusionary Housing Program.

V-J.11 Conflict with Other Bylaws

The provisions of this section shall be considered supplemental to existing zoning bylaws except for the provisions of Section III-A.6.C (Smart Growth Overlay (SGO)). To the

extent that a conflict exists between this section and others, the more restrictive bylaws or provisions therein shall apply.

V-J.12 Severability:

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

Motion D under Article 32 passed by a two-thirds vote (103-2-4).

MOTION B: (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Mr. Hayes to amend the definition of ‘Residential Use 4.*’ in Section III-A.2 – USE REGULATIONS SCHEDULE of the Natick Zoning By-Laws, by replacing the words “provided that at least 10% of the total number of dwelling units, or such greater percentage as may be specified elsewhere in this By-Law are Affordable Dwelling Units.” with “subject to and compliant with the provisions of Section V-J.”, replacing the word “Housing Units” with “Dwelling Units” and replacing the word “A” with ”P+” in the columns respectively entitled “RM” and “PCD”, so that the pertinent portion of Section III-A.2 – USE REGULATIONS SCHEDULE now reads:

<i>RESIDENTIAL USE</i>	<i>RG</i>	<i>RM</i>	<i>RS</i>	<i>PCD</i>	<i>SH</i>	<i>AP</i>	<i>DM</i>	<i>CII</i>	<i>INI</i>	<i>INII</i>	<i>H</i>
<i>4.* Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses, subject to and compliant with the provisions of Section V-J.</i>	<i>O</i>	<i>P+</i>	<i>O**</i>	<i>P+</i>	<i>A</i>	<i>O</i>	<i>(*)</i>	<i>O</i>	<i>O</i>	<i>O</i>	<i>O</i>

Motion B under Article 32 passed by a two-thirds vote (106-2-3).

MOTION C: (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Natick Zoning By-Laws, as follows:

In Section III-A.6.A.3 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP), by:

- deleting the phrase “Provided that additional units are granted by the Planning Board under the foregoing provision, then” in the first paragraph,
- replacing the words “Affordable Housing Units” in the first paragraph with the words “Affordable Dwelling Units”,
- inserting, after the word “alternatives,” in the first paragraph, the words “consistent with the provisions of Section V-J of this bylaw and”
- replacing the figure “10%” in the table with “15%, consistent with the provisions of Section V-J”,
- inserting in two places in the table, after the phrase “Natick Housing Authority” the phrase “or other appropriate public agency, as determined by the SPGA”,
- replacing the words “Income Eligible Households” in the table with the words “Eligible Households, consistent with the provisions of Section V-J”,
- replacing the words “be used for Affordable Housing” in the table with the words “the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J”,
- replacing the words “the construction costs of the particular units” in paragraph b) with “Total Development Costs of the units”
- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph b) with the words “Eligible Households”,
- replacing the words “Affordable Housing Units” following “development as” in the seventh paragraph with the words “Affordable Dwelling Units, consistent with the

provisions of Section V-J” and

- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph c) with the words “Eligible Households” and, in the same paragraph, replacing the words “Income Eligible Household” with “Eligible Household”

so that Section III-A.6. A.3 now reads:

“3- Affordable Dwelling Units shall be provided in any one of the following alternatives, consistent with the provisions of Section V-J of this bylaw and subject to approval of the Planning Board:

- A) By Donation to the Natick Housing Authority or other appropriate public agency, as determined by the SPGAA minimum of 15%, consistent with the provisions of Section V-J *
- B) By Sale to the Natick Housing Authority or other appropriate public agency, as determined by the SPGAA minimum of 15%, consistent with the provisions of Section V-J *
- C) By sale directly to Eligible HouseholdsA minimum of 15%, consistent with the provisions of Section V-J *
- D) By cash payment to the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J**

Notes: * = % of total units in development, rounded up to the next whole number

** = Amount is determined by professional valuation methods as the equivalent value to the units which otherwise would have been provided within the development as Affordable Dwelling Units, consistent with the provisions of Section V-J.

- a) Units to be donated to the Natick Housing Authority are subject to the approval of the Natick Housing Authority, and of the applicable federal or state funding agency.
- b) Units set aside for sale to the Natick Housing Authority shall be offered at prices which do not exceed the greater of: (i) Total Development Costs of the units, or (ii) the current acquisition cost limits for the particular units under applicable state or federal financing programs. If the Natick Housing Authority is unable to purchase the set-aside units at the time of completion, the units shall be offered for sale to Eligible Households.
- c) Units set aside for sale directly to Eligible Households shall be offered only to those households which qualify or meet the definition of Eligible Household.”;

and in Section III-A.6. A.4 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by adding after the words “moderate income households” in the second sentence the words “, consistent with the provisions of Section V-J of this bylaw.”, and removing the third, fourth and fifth sentences, so that Section III-A.6. A.4 now reads:

“4- Each affordable unit created in accordance with this section shall have limitations governing its resale. Such limitations shall have as their purpose to preserve the long-term affordability of the unit and to ensure its continued availability to low or moderate income households, consistent with the provisions of Section V-J of this bylaw. Such restrictions may also provide that the Natick Housing Authority shall have a prior right of purchase at the price determined according to the restriction for a period of thirty (30) days after the unit is placed on sale. Notice of any proposed sale shall be given to the Planning Board and to the Natick Housing Authority.”; and in Section III-A.6. A.5 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) of the Natick Zoning By-Laws by replacing in the first sentence the words “for a period of six (6) months from the date of first offering for sale, be offered on a 50%-50% basis,” with the words “, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw.”, and removing the second, third and fourth sentences of this section, so that Section III-A.6. A.5 now reads:

“5- Affordable Units to be offered for sale under the IHOP provisions shall be offered to residents of the Town of Natick and to persons employed within the Town of Natick, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw

and in Section III-A.6. A.6 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by replacing the words “Affordable Housing Units” in each instance where the term appears in the section with the words “Affordable Dwelling Units”, and replacing the term “Affordable Housing” with “Affordable Dwelling Units”, so that Section III-A.6. now reads:

“6- In addition to any requirements under Site Plan Review, the Special Permit, or Subdivision approval, an applicant must submit a development plan acceptable to the Planning Board plan indicating how the parcel could be developed under the underlying zoning (i.e. a baseline plan). Any bonus granted shall be calculated from the baseline plan. The development plan showing the

bonus units shall also indicate the proposed Affordable Dwelling Units, which must be dispersed throughout the parcel to ensure a mix of market-rate and Affordable Dwelling Units. Affordable Dwelling Units shall have an exterior appearance that is compatible with, and to the extent that is possible, indistinguishable from the market rate units in the development. Affordable Dwelling Units shall contain at least two (2) bedrooms and shall be suitable as to design for family occupancy. The owners of Affordable Dwelling Units shall have all of the rights and privileges accorded to market rate owners regarding any amenities within the development.”;

and in Section III-A.6. B.1 –HOUSING OVERLAY OPTION PROGRAM (HOOP) – PURPOSE by replacing the words “Income Eligible Households as defined in 760 CMR 56” in each instance where the term appears in the section with the words “Eligible Households”, and inserting after the words “in a manner consistent with” in the first sentence the words “both the provisions of Section V-J and” so that Section III-A.6. A.6 now reads:

“1. PURPOSE

The purpose of this Housing Overlay Option Plan is to create overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to Eligible Households in a manner consistent with both the provisions of Section V-J and the character of the downtown area. In order to encourage utilization of the Town’s remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to Eligible Households.”;

and in Section III-A.6. B.8 –HOUSING OVERLAY OPTION PROGRAM (HOOP) – AFFORDABILITY by replacing the words “The Planning Board shall adopt rules and regulations regarding” in the second sentence with the words “The provisions of Section V-J of this bylaw shall govern” and by replacing the words “Affordable Housing Units” in each instance they occur with the words “Affordable Dwelling Units”, and by adding after the words “employees of the Town of Natick” the words “consistent with the provisions of Section V-J” and by replacing the words “permitted under the Massachusetts General Laws and as approved by the SPGA” with the words “, consistent with the provisions of Section V-J”, so that Section III-A.6. A.6 now reads:

“8. AFFORDABILITY

- a) Affordability shall be determined in accordance with the definition of Affordable Housing found in Section 200. The provisions of Section V-J of this bylaw shall govern the sale or rental of all Affordable Dwelling Units. Unless otherwise regulated by a Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Dwelling Units shall be initially offered to residents and/or employees of the Town of Natick consistent with the provisions of Section V-J. Residency and employment in Natick shall be established through Town Clerk certification.
- b) All Affordable Dwelling Units shall be maintained as such in perpetuity, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms, consistent with the provisions of Section V-J.”;

and, in Section III-D.1.d USE REGULATIONS FOR LC DISTRICTS, PERMITTED USES, by replacing the words “provided however that at least ten percent (10%) of the total number of units are Affordable Housing Units;” with the words “subject to and consistent with the provisions of Section V-J of this by-law.”, so that subsection III-D.1.d now reads:

“d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law.”;

and, in Section III.E.2.b.1 DOWNTOWN MIXED USE DISTRICT, USES ALLOWED BY SPECIAL PERMIT ONLY, by replacing the phrase “ii) for projects with 3 to 6 total units at least 10% of the units are Affordable Housing Units; for projects that are 7 to 20 total units, at least 15% of the units are Affordable Housing Units; and, for projects that are 21 or more total units, at least 20% of the units are Affordable Housing Units;” with the phrase “ ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and” , so that Section III.E.2.b.1 now reads:

“1. Multi-family dwellings, provided that:

- i) the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;
- ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and
- iii) the total number of multi-family units shall not exceed the number computed by taking the:
 - a. Gross Land Area of the parcel times the Maximum Percentage Building Coverage
 - b. multiplied by the number of floors in the building
 - c. multiplied by the portion of the Gross Floor Area attributable to residential uses in the building
 - d. divided by the Gross Floor Area in the building, and
 - e. divided by 2,500

And, in Section "III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS" replace in its entirety the paragraph entitled "AFFORDABILITY" before the Subsection Title "III-1.F TOWN HOUSE CLUSTER DEVELOPMENT", with the words "AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall comply with the provisions of Section V-J.", so that subsection III-F now reads:

"III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall be subject to and consistent with the provisions of Section V-J of this by-law.";

and, in Section III-5. F.6 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-NUMBER OF DWELLING UNITS by replacing the words "At least ten percent (10%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein." in the second sentence with the words ", subject to and consistent with the provisions of Section V-J of this by-law.", so the sentence now reads:

"The maximum number of dwelling units allowed in a CCD shall equal the "Net Usable Land Area" within the parcel divided by 15,000 square feet then rounded to the nearest whole number, subject to and consistent with the provisions of Section V-J of this by-law.";

and, by replacing Section III-5.F.10 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-AFFORDABILITY, in its entirety and replacing it with the words:

"10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to Eligible Households, subject to and consistent with the provisions of Section V-J:

- a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.", so that III-5.F.10.a now reads:

"10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to Eligible Households, subject to and consistent with the provisions of Section V-J:

- a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.";

and, by replacing Section III-I.2.6 INDEPENDENT SENIOR LIVING OVERLAY OPTION PLAN - AFFORDABILITY REQUIREMENTS, in its entirety with the following:

"AFFORDABILITY REQUIREMENTS: The Applicant shall make provision for affordable housing by complying with all the requirements of Section V-J. The provisions of this section may be satisfied, at the option of the Applicant, by providing for the maintenance and monitoring of a 10% affordability requirement of the total units in an ISLF instead of the designation and restriction of particular specific units within an ISLF if such ISLF is composed entirely of rental units.", so that the Section now reads:

"2.6 AFFORDABILITY REQUIREMENTS: The Applicant shall make provisions for affordable housing by complying with all the requirements of Section V-J. The provisions of this section may be satisfied, at the option of the Applicant, by providing for the maintenance and monitoring

of a 10% affordability requirement of the total units in an ISLF instead of the designation and restriction of particular specific units within an ISLF if such ISLF is composed entirely of rental units.”

and, in the first sentence of Section III-I.1.8 ASSISTED LIVING RESIDENCES - AFFORDABILITY REQUIREMENTS, by replacing the phrase “the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$75 multiplied by the total number of square feet of area in living units in the ALR. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.” with the phrase “the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”, so that the Section now reads:

“8. Affordability Requirements: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”

and, in Section III-J.3 – Historic Preservation-Permitted Uses, by inserting the phrase “, subject to and consistent with the provisions of Section V-J:” after “the following additional uses” and deleting in its entirety the paragraph that begins “Provided however that for any project”, so that the subsection now reads:

“3. Permitted Uses. Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses, subject to and consistent with the provisions of Section V-J:

1. Town Houses;
2. Apartment House;
3. Home Occupation/Customary Home Occupation

and, in Section 323.3 HIGHWAY OVERLAY DISTRICTS - Certain Multifamily Residential Uses, by replacing “assisting living facilities” with “Assisted Living Residences” in the first line of the first paragraph; by replacing the word “Unless” that appears after the phrase “*Affordability Requirements:” in the first line of third paragraph with “All development in a Highway Overlay District shall be subject to and consistent with the provisions of Section V-J unless”; and deleting the phrase “the assisted living facilities,” in the third line of the third paragraph; and deleting all language following “(DHCD)”; and replacing the comma following “(DHCD)” with a period; so that subsection 323.3 Certain Multi-family Residential Uses now reads:

“In the RC district, hotels, motels, Assisted Living Residences*, Elderly Family Residences* may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and non-residential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw.

The provisions of Section 323.1.9, and not this section, shall be applicable to a mixed-use development, including the residential component, in a Regional Center Mixed-Use Development.

* Affordability Requirements: All development in a Highway Overlay District shall be subject to and consistent with the provisions of Section V-J unless a determination has been made satisfactory to the SPGA that living units of Assisted Living Residences and Elderly Family Residence do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD).”

and, in Section VI-DD.2.A.a.1 SPECIAL PERMIT PROCEDURES AND SITE PLAN REVIEW-SPECIAL PERMITS, by inserting “Inclusionary Housing Special Permit (IHSP)” at the end of the list of districts and programs for which the Planning Board acts as Special Permit Granting Authority.

and in Section V-E WAIVERS AND MODIFICATIONS Section V-E.1.d - Purpose and Applicability, by replacing the word “or” as it appears after “1.f, 1.g” with a comma; and by adding “, or 1.i” after “1.h”; so that V-E.1.d now reads

- d. Notwithstanding anything else in this zoning by law to the contrary, no waiver and/or modification may be granted unless either i) specifically exempted in 1.e, 1.f, 1.g, 1.h, or 1.i below or ii) specifically complying with V-E 2, 3 and 4 below or allowed below in connection with grants of allowable bonus density or intensity.” ; and

In Section V-E.1 - Purpose and Applicability, by adding a new section as follows:

“i. This section shall not apply to Section V-J.4.B Density Bonus where necessary to permit any additional unregulated units granted under this section to be constructed on the locus site.”

Motion C under Article 32 passed by a two-thirds vote (108-2-2).

ARTICLE 18: Appropriate Funds for the Design and Development of Route 27 North Main Street (Board of Selectmen)

To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for design and development of the Route 27 North Main Street (Route 27) roadway improvement project, including but not limited to design, right of way (design and/or acquisition), legal, appraisal, permitting, and/or construction phase services; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

ARTICLE #18	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 13, 2018	Favorable Action	9-0-0

MOTION (Requires a two-thirds vote):

Moved by Mr. Evans seconded by Mr. Sidney that the Town vote to appropriate the sum of \$2,000,000 to be expended under the direction of the Community and Economic Development Department for the purpose of Route 27 North Main Street design and development including; design, engineering, easement acquisition, right of way acquisition, and legal costs associated with this project, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,000,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$2,000,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Moved by Mr. Sidney, seconded by Mr. Gath to amend Article 18 by deleting “community and economic department” and insert “Board of Selectmen” in the seconded line of the motion.

The amendment to the main motion passed unanimously (103-0-0). The amended main motion under Article 18 passed by a two thirds vote (102-4-3).

ARTICLE 19: Capital Equipment (Interim School Superintendent)

To see if the Town will vote to appropriate and raise, borrow or otherwise provide, a sum of money as may be required for capital equipment for the various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

- Emergency Generator – Memorial Elementary School - \$25,000*
- Natick High School Athletic Field Bleacher Repairs - \$20,000*
- ADA Accessibility Wheelchair Ramp – Auditorium – Johnson Elementary School - \$10,000*
- Total = \$55,000*

FINANCE COMMITTEE RECOMMENDATION

ARTICLE 19	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 6, 2018	No Action	10-0-0

MOTION: (Requires a majority vote)

Moved by Mr. Evans seconded by Mr. Hayes that no action be taken on the subject matter of Article 19.

The motion to take no action passed by majority vote (by hand count).

ARTICLE 20: Legal Settlement (Interim School Superintendent)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of a Legal Settlement Agreement/litigation outcomes between the Natick Public Schools and pending litigation regarding cases currently before the Massachusetts Court System/Massachusetts Arbitration System.

FINANCE COMMITTEE RECOMMENDATION

ARTICLE 20	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 6, 2018	Favorable Action	8-0-1

MOTION: (Requires a majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes that the Town vote to appropriate the sum of \$350,000 for the purpose of implementing and paying the Terms of a Legal Settlement Agreement between the Natick Public Schools and pending arbitration regarding a case currently before the Massachusetts Court System, said funds to be expended under the direction of the Natick School Committee, with the source of funding to be Free Cash.

Ms. Nolin, Interim School Superintendent spoke to this article. *The main motion under Article 20 passed by majority vote (90-7-4).*

Articles 21-24 were the exactly the same articles that were considered in Special Town Meeting #2 and voted on at that time. During 2018 Fall Annual Town Meeting motions of no action on Articles 21-24 passed by majority vote. *Motions of no action were made by Mr. Sidney, seconded by Mr. Jennett and passed by majority vote (hand count).*

ARTICLE 25: Amend Agreement with the South Middlesex Regional Vocational School District (Board of Selectmen)

To see if the Town will vote to amend the agreement among the towns of Ashland, Holliston, Hopkinton and Natick and the City of Framingham with respect to Establishment of a Regional Vocational School District to incorporate prior amendments to said agreement, to eliminate outdated provisions, to recognize Framingham’s change from a town to a city form of government, and to bring said agreement into alignment with the District’s existing practices, in accordance with an April 23, 2018 executive summary, a copy of which is on file with the office of the Town Administrator; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

ARTICLE #25	DATE VOTED	MOTION	QUANTUM OF VOTE
	August 30, 2018	No Action	12-0-0

MOTION: (Requires a majority vote)

Moved by Mr. Sidney, seconded by Mr. Jennett that no action be taken on the subject matter of Article 25.

The motion to take no action under Article 25 passed by majority vote (by hand count).

ARTICLE 26: Supplement Prior Town Meeting Vote authorizing Acquisition and Preservation of the Sawin House and Adjacent Property at 79 South Street, Assessors Map 77 Lot 7. (Board of Selectmen)

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

FINANCE COMMITTEE RECOMMENDATION

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

MOTION: (Requires a two-thirds vote)

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

Ms. Malone, Town Administrator spoke to this article. *The main motion under Article 26 passed by a two-thirds vote (81-3-0).*

Moved by Mr. Sidney, seconded by Mr. Griesmer to adjourn. *The motion to adjourn passed by majority vote. The meeting adjourned at 10:25 PM until Tuesday, October 30, 2018 at 7:30 PM.*

A record of the Fourth Session
of 2018 Fall Annual Town Meeting
October 25, 2018



Diane Packer, Town Clerk