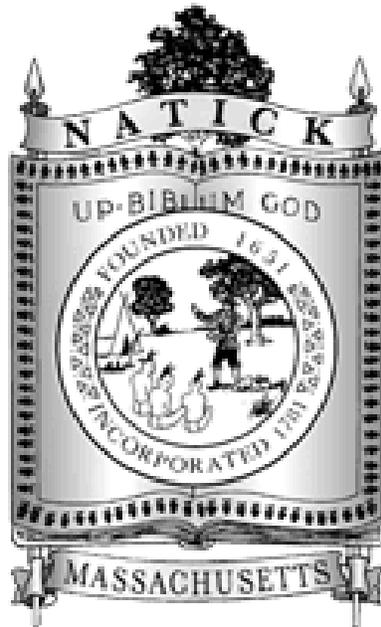


Town of Natick

2019 Fall Annual Town Meeting



Recommendations of the Natick Finance Committee

October 15, 2019 – Wilson Middle School –
Natick, MA

(Inside Front Cover)

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**Finance Committee
Town of Natick,
Massachusetts
October 5,2019**

2019 Fall Annual Town Meeting

Greetings to all Town Meeting Members and Citizens of Natick,

This report contains the Natick Finance Committee recommendations for all articles appearing on the warrant for 2019 Fall Annual Town Meeting. In accordance with the Town of Natick By-Laws, this report and recommendations are respectfully submitted for your consideration.

Finance Committee met in open sessions for the 2019 Fall Town Meeting Warrant on September 3, 5, 10, 17, 19, 24, and 26 and October 1 and 3, 2019.

To get this initial Recommendation Book into the hands of Town Meeting members with time to prepare for the opening session on October 15, some content for certain articles- more specifically information from the Q&A or Finance Committee discussion and deliberation has not been included. This is mostly for articles heard on either October 1 or October 3. It will be determined if a supplement will be created to provide the additional content to Town Meeting. If that's the case it will be distributed at Town Meeting. That said, all articles under the warrant have recommendations for Town Meeting to review and consider.

We would like to express our thanks and appreciation for all the hard work and dedication contributed by all the Town officials, members of boards, committees and departments, as well as many concerned citizens, for their cooperation, participation, and openness during our public hearings.

Information relating to the Finance Committee may be found on the Town's public website, at <http://www.natickma.gov/finance-committee>. Any questions or comments about the Finance Committee may also be submitted to us via a link on that web page

Respectfully Submitted,

Patrick Hayes- Chairman	Linda Wollschlager – Vice Chair	Bruce Evans – Secretary
David Coffey	Jeff Deluca	Guimel DeCarvalho
Michael Linehan	Tony Lista	Phil Rooney
Jim Scurlock	Dirk Coburn	Jerry Pierce
Dan Sullivan	Bill Grome	Kristine Van Amsterdam

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PLANNING BOARD REPORT 2019 FALL ANNUAL TOWN MEETING

October 4, 2019

In accordance with Article 40, Section 6 of the By-Laws of the Town of Natick, the Planning Board provides herein its report on warrant article recommendations per Section 3-11(b) of the Charter.

Articles requiring a public hearing

The Planning Board held or has continued public hearings for the zoning bylaw related Town Meeting articles, per M.G.L. c.40A s. 5 as follows:

Warrant Article	Date(s) of Public Hearing
29	October 2
30	September 18, October 2
31	September 18, October 2
32	September 18, October 2
33	September 18, October 2
34	September 18, October 2
35	September 18, October 2
39	<i>Scheduled for October 16</i>
44	September 18

Article 29 – Amend Zoning Bylaw to Adjust Density of Housing Permitted and Residential Parking Required in Downtown Mixed Use (DM) District

The Planning Board reviewed Article 29 at its meeting of October 2, 2019 at which the Board voted to recommend **Favorable Action**. Vote 4-1-0 (Munnich)

Natick has the opportunity to provide multifamily housing for active adults and aging seniors within walking distance of local businesses, town services, and public transit. The passage of Article 52 by the 2017 Fall Annual Town Meeting requires developers to produce very large residential units (>2000 square feet) rather than a mix of smaller units. This has had a chilling effect on the redevelopment of several major properties in Natick Center, including the former Kentucky Spirits property on Washington St and, most recently, the “Missing Tooth” building at 1 South Main St. This article complements the proposal in Article 32 to restrict such development from the two blocks of Main Street north of Route 135 (see recommendation for that article).

Article 30 – Amend Zoning Bylaw – Creative Production

The Planning Board reviewed Article 30 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

This article clarifies zoning regulations governing the location and intensity of creative production in commercial and industrial zoning districts. As Natick sees a new mix of businesses that cross traditionally defined use categories, this promotes new and innovate businesses in the community while providing the Building Commissioner with tools for making use determinations.

Article 31 – Amend Zoning Bylaw – Craft Fabrication

The Planning Board reviewed Article 31 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

This article clarifies zoning regulations governing the location and intensity of craft fabrication in commercial and industrial zoning districts. This provides an instrument for permitting small-scale, public-facing craft uses and gives the Building Commissioner tools for making use determinations. This bylaw allows for limited accessory retail or dining use in support of the craft manufacturer’s products.

Article 32 – Amend Zoning Bylaw – Downtown Business (DB) District

The Planning Board reviewed Article 32 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

Article 32 was based on a key recommendation for Natick Center in Goal 2 of the Natick 2030 Master Plan. The Board believes that restricting residential use from the two blocks of Main Street north of Route 135 complements the mixed-use character of the surrounding blocks while protecting essential business uses in Natick Center’s historic commercial and civic core (see comments in recommendation for Article 29).

Article 33 – Amend Zoning Bylaw – Nonconforming Uses, Large Residential Additions

The Planning Board reviewed Article 33 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

This article will regulate construction of large additions to existing non-conforming single- and two-family homes, and the demolition and reconstruction of such properties, to ensure that new development preserves the character of Natick’s residential neighborhoods.

Article 34 – Amend Zoning Bylaw – Alternate Uses in Residential Districts

The Planning Board reviewed Article 34 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

This language was originally part of 2019 SATM Article 27 (Home Occupation Dog Kennel), which was determined to be outside the narrow scope of that article. It is designed to protect residential neighborhoods from the detriments of intense activity that accompany non-residential uses. This closes vestigial loopholes that remain in the bylaw for home occupation kennels, for-profit museums and libraries, and truck farms.

Article 35 – Amend Zoning Bylaw – Retail Marijuana Overlay Districts

The Planning Board reviewed Article 35 at its meetings of September 18 and October 2, 2019, at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

This article makes corrections and revisions to the list of lots voted for inclusion in the Golden

Triangle and Route 9 East Town Line Marijuana Retail Overlay Districts by 2018 Special Town Meeting #2. The corrected list will reflect the intent of the original article.

Article 39 – Amend Town of Natick Bylaws and Zoning Bylaw to change references from Board of Selectmen to Select Board and to change references from Chairman to Chair

Because of posting requirements and the late receipt of the motion from the Sponsor, the Planning Board will hear Article 39 at its meeting of October 16, 2019 and will make this recommendation separately.

Article 44 – Amend Zoning Bylaw and Zoning Map regarding the Industrial II (INII) district and Highway Mixed Use II (HMI) district on certain parcels

The Planning Board reviewed Article 44 at its meeting of September 18, 2019 at which the Board voted to recommend **Referral to the Sponsor and the Planning Board**. Vote 5-0-0

The recommendation for Referral was made at the request of the Sponsor. This recommendation should be considered a determination that the Motion is not ready for Town Meeting action.

Other Articles

Article 15 – Street Acceptance – Eliot Hill Road, Merifield Lane, Woodcock Path

The Planning Board reviewed Article 15 at its meeting of September 18, 2019 at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

Article 16 – Street Acceptance – Michael Terrace

The Planning Board reviewed Article 16 at its meeting of September 18, 2019 at which the Board voted to recommend **Referral to the Planning Board and the Board of Selectmen**. Vote 5-0-0

Michael Terrace directly abuts (at a point) a parcel of public open space created as part of the Comprehensive Cluster Development on the former McHugh Farms property off Cottage Street in 2018. Referral will allow time to explore options for securing public access to the new open space parcel from Michael Terrace. Michael Terrace does not appear on the Town's 2020 street construction list, so would not be adversely affected by a delay in its acceptance as a public way.

Article 17 – Street Acceptance – Clearview Drive

The Planning Board reviewed Article 17 at its meeting of September 18, 2019 at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

Article 19 – Amend Town of Natick Bylaws – Stormwater Management and Erosion Control

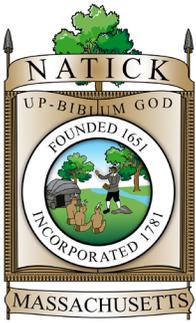
The Planning Board reviewed Article 19 at its meeting of September 18, 2019 at which the Board voted to recommend **Favorable Action**. Vote 5-0-0

Article 23 – Alteration of Layout of North Main Street (Route 27) and Adjoining Streets

The Planning Board reviewed Article 23 at its meeting of September 18, 2019 at which the Board voted to recommend **Favorable Action**. Vote 4-1-0 (Munnich)

Although not part of the scope of alterations that are before Town Meeting in this article, there are public safety-led sidewalk improvements on property of Camp Mary Bunker that are shown in the plan. The 2019 Spring Annual Town Meeting voted to allow this. Counsel has advised that the sidewalk improvement does not constitute a change of use for this conservation land, which is protected under Article 97. The dissenting member of the Board does not concur.

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October 4, 2019

Dear Town Meeting Members,

Thank you again for volunteering your time and efforts for our community. As the leaves continue to fall, we walk and drive to **Wilson Middle School** for Town Meeting.

In the coming year, I urge us all to come together to honestly look at how we have historically spent our tax dollars and make thoughtful decisions about our future. During calendar year 2018, we proposed and supported two debt exclusions and completed the largest ever borrowing in the Town's history. Along with the presentations to Town meetings (Fall Town Meeting 2018 and Spring Town Meeting 2019) and correspondence shared with all taxpayers, Town Administration developed comprehensive fiscal forecasts to help our entire community understand the fiscal challenges that lay ahead. I encourage you all to review this information to understand where we have been and our current trajectory. The Financial Indicators and Fiscal Forecasts can be found at <https://www.natickma.gov/DocumentCenter/View/8693/Financial-Indicator-and-Trend-Analysis--10-4-2019> . Further, for your convenience a detailed memorandum and the forecasts are also included in the appendix of this recommendation book.

With respect to the very near term, the estimates provided in Spring of 2019 closely track where we estimate the Town to be in fiscal years 2020 and 2021. As we look further on, I recognize seeing deficit numbers creates angst among many including: young homeowners; families in the middle juggling assistance to aging parents and their own children's needs; Town employees; and seniors living on fixed incomes.

However, I see this budget challenge as an opportunity – a chance to recognize successes in our past, improve upon budgetary transparency, creatively find solutions, and together chart a prosperous sustainable path forward. There will certainly be tough conversations but in the end, our Town will be stronger after critically analyzing the past, discussing what we need, and want for our future. We are fortunate to have talented professionals across Town and dedicated committee members, who care and are willing to spend the time to find feasible ways to adapt to change, who understand that the past is not identical to how we will handle the future, and who are willing to see things from different perspectives.

Together, as we gather this fall as a community and acknowledge the challenges ahead there remains much to celebrate and applaud.

- Two signature capital projects are well underway (Kennedy Middle School and West Natick Fire Station).
- We will have ribbon cuttings in the coming weeks for two fabulous parks that represent 4 million dollars' worth of investments in parks and recreation infrastructure.
- Improvements to infrastructure continue throughout the community.
- Significant enhancements initiated this past July to our Town wide financial management system will increase efficiency for all Town departments and assist in improving constituent services.
- Our Human Resources team revamped and improved our hiring processes for existing open positions and successfully retained 29 permanent (non-seasonal) hires from March through October. All of these individuals help provide services to residents and businesses within our Town.

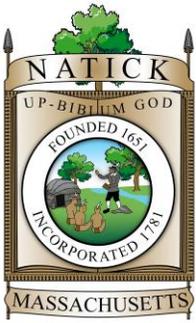
In closing, I would be remiss if I did not recognize the contributions of many during the events of the downtown fire on July 22, 2019. Special thanks goes out to our first responders, our Town departments, the other 16 communities and partners in the Commonwealth who provided direct assistance, Natick Center Associates, our legislative delegation, and many other individuals and businesses in our community who did everything from small acts of kindness to large donations. Thank you for your continued dedication and commitment to our Town.

Very truly yours,



Melissa A. Malone

/Enclosure



MEMO

To: Board of Selectmen
From: M. Malone, Town Administrator
Cc: Town Administration, J.Townsend, B.Chenard, & S.O'Brien
Date: September 13, 2019
Re: Financial Indicators & Four-Year Projections

Executive Summary

The Four-Year Financial Projections provide a comprehensive overview of potential revenues and expenditures for the upcoming fiscal years. The intent of providing the forecasts is to have a realistic outlook that will highlight town-wide operating trends and facilitate productive financial planning. Based on the financial indicators at this time, Natick is in a stable financial position, which helps to ensure strong credit ratings and short-term financial flexibility.

Under Proposition 2^{1/2}, the levy increases are dependent on New Growth to increase the tax base to support budget increases. While local receipts and state aid help, they provide a smaller percentage of the revenues and have greater variances as compared to property taxes. It is imperative that we build and follow a strategic budgeting plan. This means balancing the immediate needs of the Town with our long-term values and visions for our community. With budget constraints, prioritization and compromise are required to ensure every Town department has the tools it needs to succeed.

Further, as we prudently plan we must take into account the very real possibility of a slowing economy. Based on our analysis if there is a recession similar to 2007-2009, the Town would be able to sustain its budget for an additional 18 months.

Forecasts

With a continued effort to educate our community as a whole, and in the effort of full transparency, we have created two forecasts – actual and budget. While there are some differences in methodology, both demonstrate that expenses exceed revenues in the coming few years.

- The “Actual Forecast” is exclusively based upon actual historical spend along with projections of CBAs and personnel costs. The actual forecast also takes into account a vacancy rate of around 4% that is discounted from estimates of personnel appropriations.
- The “Budget Forecast” outlines potential appropriation increases based on projected CBAs, personnel costs, and operating expense inflationary increases, with the view to the past but rolling forward the FY 20 budget.

Revenues

At this time, our revenue projections are preliminary and there will be modifications (increases and decreases) as we move forward with the budget process. That said we must use informed assumptions to help plan and guide discussions. The following assumptions provide context for the initial revenue forecast.

- Tax Levy – Prior year tax levy, plus 2.5%, plus debt exclusions (offset with part of debt service expense), with New Growth estimated between \$1.2M - \$950k.
- State Aid – Projected growth of 2%-3% annually with a 1% increase to charges.
- Local Receipts & Other Local Receipts – An initial decrease from the FY20 budget based on anticipated reduced investment income and other revenues, such as ambulance revenue and motor vehicle excise that are not materializing to the same degree.

Expenses

Given the difference between the actual and budgeted forecasts, the expense assumptions for each are different.

Actual Forecast Expenses

Personnel Costs

- Collective Bargaining Agreements COLA projected at 2%, 3%, 1% through FY21, and 2% COLA increase for FY22 – FY24
- Step increases have been forecasted by bargaining unit
- Personnel Board employees 2% merit
- Vacancy rates calculated based on average of FY17-FY19 approximately 4% which has been reduced from projected personnel expense

Operating Expenses

- These expenses assumptions are derived from a combination of sources: expenses from FY 19, historical averages, regressive modeling, and inflationary index of 1.7%.

Budget Forecast Expenses

Personnel Costs

- Collective Bargaining Agreements COLA projected at 2%, 3%, 1% through FY21, and 2% COLA increase for FY22 – FY24
- Step increases have been forecasted by bargaining unit
- Personnel Board employees 2% merit

Operating Expenses

- Using current expense appropriations with inflationary indexes to project out the next few years.

Outstanding issues and items of note

While the forecasts provide informed estimates there remain some budgetary line items that are difficult to predict at this time.

- There are remaining outstanding collective bargaining agreements.
- While the FY 19 local receipts came in over budget, they were erratic with a significant downturn in ambulance revenue, motor vehicle excise, and parking. Mitigating those decreases were increases in investment income, and supplemental taxes but are those unreliable for future years.
- Neither forecast includes new programming or initiatives going forward.
- Free Cash use as well as Stabilization/OPEB funding remains level in the forecasts.
- We need to better understand the Natick Public School Department's historical and future enrollment trends, and refine the personnel cost projections.
- Benefit costs are highly variable in the regression model utilized and had the costs at about 0.8% annually. Of the benefit appropriation, health insurance has had turn backs of 805k in FY17, 466k in FY18, and 759k in FY19. The uncertainty of this large expense year over year, and reduction of options available to reduce premiums makes this budget driver difficult to extrapolate into the future.

Conclusion

I recognize that the forecasts may cause alarm and worry for some, while some others may claim they saw this all coming and times changes and everything has to increase. The forecasts should help inform discussions, so that we can analyze the past and chart a predictable path forward for our community.

It is my recommendation that the Board of Selectmen, as the chief policy making agency within our Town utilize these indicators and forecasts to help make critical financial planning determinations for our community in the months and year ahead. Town Administration remains committed to working with the entire community to understand their concerns and provide viable solutions.

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"ACTUAL" FORECAST

Four-Year Projection

	2020 Budget	2021 Forecast	2022 Forecast	2023 Forecast	2024 Forecast	Comments
General Fund Revenues						
1 Tax Levy	121,251,682	125,194,491	129,082,091	132,915,312	131,497,142	2.5% Levy, \$1.2M - \$950K New Growth, plus debt exclusions
2 State Aid	14,938,819	15,379,797	15,802,741	16,197,810	16,521,766	Assumes 2-3% growth annually
3 Local Receipts	17,901,540	16,887,035	17,224,775	16,887,271	17,920,656	Assumes 2% growth annually
4 Other Local Receipts						
5 Indirects	2,585,229	2,624,007	2,663,368	2,703,318	2,743,868	Dependent on GF operating budget assuming 1.5%
6 Free Cash	4,150,000	4,150,000	4,150,000	4,150,000	4,150,000	Assuming level for projection
7 Stabilization Fund	3,617,000	3,216,200	2,117,700	1,611,200	1,923,200	Based on Capital Plan
8 Overlay Surplus	500,000	500,000	500,000	500,000	500,000	Can change based on ATB liabilities
9 Other Available Funds	291,309	282,740	273,992	266,614	257,110	Parking Meter Receipts, Other State Remb., Bond Premiums for HS/CSC
Total General Fund Revenues	165,235,579	168,234,270	171,814,667	175,913,524	175,513,742	
General Fund Expenses						
Education & Learning						
10 Natick Public Schools	67,810,346	72,201,014	76,424,774	80,895,623	85,628,017	Assumes 5.85% annual increase based on last 5 year increases
12 Keefe Tech	1,554,748	1,601,390	1,649,432	1,695,121	1,743,602	Assumes 2.7 - 3% increases
13 Morse Institute Library	2,275,499	2,373,100	2,411,309	2,462,066	2,500,072	Assumes Avg increase of 2.4%
14 Bacon Free Library	190,792	194,068	197,659	201,304	205,542	Assumes Avg increase of 1.9%
15 Public Safety	16,568,716	16,921,529	17,275,527	17,627,332	17,911,079	Assumes Avg increase of 2.0%
16 Public Works	8,858,627	9,191,561	9,327,070	9,495,207	9,651,663	Assumes Avg increase of 2.2%
17 Health & Human Services	2,611,475	2,534,342	2,582,693	2,631,585	2,671,257	Assumes Avg increase of 1.8%
18 Administrative Support Services	7,502,649	5,990,007	6,107,177	6,226,506	6,327,129	Assumes Avg increase of 1.8% (CBA line has been distributed)
19 Committees	120,550	105,000	106,785	108,600	110,447	Assumes 1.7% increases
20 Shared Expenses						
21 Fringe Benefits	16,743,422	16,871,597	17,004,361	17,129,232	17,263,522	Assumes 0.8% increases (will vary dependent upon plan changes)
22 Prop & Liab. Insurance	807,150	849,275	892,679	934,325	978,548	Assumes Avg increase of 4.9%
23 Retirement	10,070,552	10,752,491	11,505,165	12,310,527	13,172,263	Assumes 7% increases less Non-Contributory Retirement
24 Debt Services	16,626,732	16,445,666	16,445,766	16,810,809	17,302,114	Based on capital plan debt service schedule
25 Reserve Fund	250,000	250,000	250,000	250,000	250,000	Level-Funded
26 Facilities Management	3,428,619	3,336,096	3,395,866	3,458,686	3,505,968	Assumes 1.4% increase
General Fund Oper. Expenses	155,417,877	159,628,136	165,576,264	172,236,923	179,221,223	
Capital Improvements	3,617,000	3,216,200	2,117,700	1,611,200	1,923,200	Capital Stab. Fund provides cash funding moving forward.
27 School Bus Transportation	410,137	421,416	433,005	444,912	457,147	Assumes 2.75% annual increase
28 State & County Assessments	1,504,841	1,519,889	1,535,088	1,550,439	1,565,944	Assumes 1% annual increase
29 Cherry Sheet Offsets	359,312	362,905	366,534	370,200	373,902	Assumes 1% annual increase
31 Snow Removal Supplement	350,000	465,000	465,000	465,000	465,000	Assumes Snow & Ice costs of \$1M
32 Overlay	1,015,000	1,000,000	1,000,000	1,000,000	1,000,000	Varies dependent upon valuations, revaluation years
33 Golf Course Deficit	240,000	250,000	245,000	90,000	30,000	Per STGC 5-Year Projection
34 General Stabilization Fund	100,000	100,000	100,000	100,000	100,000	Assumes level funding
35 Operational Stabilization Fund	100,000	100,000	100,000	100,000	100,000	Assumes level funding
36 Capital Stabilization Fund	1,450,000	1,450,000	1,450,000	1,450,000	1,450,000	Assumes level funding
37 OPEB Trust	300,000	300,000	300,000	300,000	300,000	Assumes level funding
38 Misc. Articles	100,000	100,000	100,000	100,000	100,000	Assumes level funding
Total General Fund Expenses	164,964,167	168,913,546	173,788,591	179,818,674	187,086,415	
Net Excess / (Deficit)	271,412	-679,277	-1,973,923	-3,905,150	-11,572,673	



"BUDGET" FORECAST

Four-Year Projection

	2020 Budget	2021 Forecast	2022 Forecast	2023 Forecast	2024 Forecast	Comments
General Fund Revenues						
1 Tax Levy	121,251,682	125,194,491	129,082,091	132,915,312	131,497,142	2.5% Levy, \$1.2M - \$950k New Growth, plus debt exclusions
2 State Aid	14,938,819	15,379,797	15,802,741	16,197,810	16,521,766	Assumes 2-3% growth annually
3 Local Receipts	17,901,540	16,887,035	17,224,775	17,569,271	17,920,656	Assumes 2% growth annually
4 Other Local Receipts						
5 Indirects	2,585,229	2,624,007	2,663,368	2,703,318	2,743,868	Dependent on GF operating budget assuming 1.5%
6 Free Cash	4,150,000	4,150,000	4,150,000	4,150,000	4,150,000	Assuming level for projection
7 Stabilization Fund	3,617,000	3,216,200	2,117,700	1,611,200	1,923,200	Based on Capital Plan
8 Overlay Surplus	500,000	500,000	500,000	500,000	500,000	Can change based on ATB liabilities
9 Other Available Funds	291,309	282,740	273,992	266,614	257,110	Parking Meter Receipts, Other State Remb., Bond Premiums for HS/CSC
Total General Fund Revenues	165,235,579	168,234,270	171,814,667	175,913,524	175,513,742	
General Fund Expenses						
Education & Learning						
10 Natick Public Schools	67,810,346	70,861,812	74,050,593	77,382,870	80,865,099	Assumes 4.5% increase
12 Keefe Tech	1,554,748	1,601,390	1,649,432	1,695,121	1,743,602	Assumes 2.7 - 3% increases
13 Morse Institute Library	2,275,499	2,389,502	2,433,764	2,478,793	2,516,153	Assumes Avg increase of 2.6%
14 Bacon Free Library	190,792	194,068	197,659	201,304	205,542	Assumes Avg increase of 1.9%
15 Public Safety	16,568,716	17,253,437	17,614,432	17,973,184	18,262,486	Assumes Avg increase of 2.5%
16 Public Works	8,858,627	9,355,323	9,494,857	9,667,071	9,826,823	Assumes Avg increase of 2.6%
17 Health & Human Services	2,611,475	2,617,057	2,667,040	2,717,587	2,758,530	Assumes Avg increase of 1.4%
18 Administrative Support Services	7,502,649	6,481,369	6,606,797	6,733,796	6,840,620	Assumes Avg increase of 1.8% (CBA line has been distributed)
19 Committees	120,550	120,550	120,550	120,550	120,550	Assumes level funding
20 Shared Expenses						
21 Fringe Benefits	16,743,422	17,078,290	17,419,856	17,768,253	18,123,618	Assumes 2% increase
22 Prop & Liab. Insurance	807,150	849,275	892,679	934,325	978,548	Assumes Avg increase of 4.9%
23 Retirement	10,070,552	10,752,491	11,505,165	12,310,527	13,172,263	Assumes 7% increases less Non-Contributory Retirement
24 Debt Services	16,626,732	16,445,666	16,445,766	16,810,809	17,302,114	Based on capital plan debt service schedule
25 Reserve Fund	250,000	250,000	250,000	250,000	250,000	Level-Funded
26 Facilities Management	3,426,619	3,592,203	3,656,264	3,723,342	3,774,073	Assumes 2.5% increase
General Fund Oper. Expenses	155,417,877	159,853,434	165,004,855	170,767,582	176,740,022	
Capital Improvements						
26 Capital Improvements	3,617,000	3,216,200	2,117,700	1,611,200	1,923,200	Capital Stab. Fund provides cash funding moving forward.
27 School Bus Transportation	410,137	421,416	433,005	444,912	457,147	Assumes 2.75% annual increase
28 State & County Assessments	1,504,841	1,519,889	1,535,088	1,550,439	1,565,944	Assumes 1% annual increase
29 Cherry Sheet Offsets	359,312	362,905	366,534	370,200	373,902	Assumes 1% annual increase
31 Snow Removal Supplement	350,000	465,000	465,000	465,000	465,000	Assumes Snow & Ice costs of \$1M
32 Overlay	1,015,000	1,000,000	1,000,000	1,000,000	1,000,000	Varies dependent upon valuations, revaluation years
33 Golf Course Deficit	240,000	250,000	245,000	90,000	30,000	Per STGC 5-Year Projection
34 General Stabilization Fund	100,000	100,000	100,000	100,000	100,000	Assumes level funding
35 Operational Stabilization Fund	100,000	100,000	100,000	100,000	100,000	Assumes level funding
36 Capital Stabilization Fund	1,450,000	1,450,000	1,450,000	1,450,000	1,450,000	Assumes level funding
37 OPEB Trust	300,000	300,000	300,000	300,000	300,000	Assumes level funding
38 Misc. Articles	100,000	100,000	100,000	100,000	100,000	Assumes level funding
Total General Fund Expenses	164,964,167	169,138,845	173,217,182	178,349,283	184,605,214	
Net Excess / (Deficit)	271,412	-904,575	-1,402,515	-2,435,759	-9,091,472	

General Fund Expenditure Summary

This spreadsheet details the appropriations to be made at Town Meeting by department.

	2020	2020	Change	SATM v Proposed		Article Reference
	SATM Budget	Proposed Budget	SATM - Proposed	\$ (+/-)	% (+/-)	
Education & Learning						
Natick Public Schools						
Total Natick Public Schools	\$ 67,810,346	\$ 67,810,346	\$ -	\$ -	0.00%	
				\$ -		
Keefe Tech						
Expenses (Assessment)	\$ 1,554,748	\$ 1,554,748	\$ -	\$ -	0.00%	
Total Keefe Tech	\$ 1,554,748	\$ 1,554,748	\$ -	\$ -	0.00%	
				\$ -		
Morse Institute Library						
Salaries & Expenses	\$ 2,275,499	\$ 2,357,551	\$ 82,052	\$ 82,052	3.61%	ART 6 CBA
Total Morse Institute Library	\$ 2,275,499	\$ 2,357,551	\$ 82,052	\$ 82,052	3.61%	
				\$ -		
Bacon Free Library						
Salaries & Expenses	\$ 190,792	\$ 190,792	\$ -	\$ -	0.00%	
Total Bacon Free Library	\$ 190,792	\$ 190,792	\$ -	\$ -	0.00%	
Total Education & Learning	\$ 71,831,385	\$ 71,913,437	\$ 82,052	\$ 82,052	0.11%	
Public Safety						
Emergency Management						
Salaries	\$ 5,000	\$ 5,000	\$ -	\$ -	0.00%	
Expenses	\$ 34,100	\$ 34,100	\$ -	\$ -	0.00%	
Total Emergency Management	\$ 39,100	\$ 39,100	\$ -	\$ -	0.00%	
				\$ -		
Parking Enforcement						
Salaries	\$ 114,144	\$ 114,144	\$ -	\$ -	0.00%	
Expenses	\$ 89,833	\$ 104,833	\$ 15,000	\$ 15,000	16.70%	ART 1 Omnibus Budget
Total Parking Enforcement	\$ 203,977	\$ 218,977	\$ 15,000	\$ 15,000	7.35%	
				\$ -		
Police						
Salaries	\$ 7,177,380	\$ 7,370,967	\$ 193,587	\$ 193,587	2.70%	ART 1 & ART 6
Expenses	\$ 263,813	\$ 263,813	\$ -	\$ -	0.00%	
Total Police	\$ 7,441,193	\$ 7,634,780	\$ 193,587	\$ 193,587	2.60%	
				\$ -		
Fire						
Salaries	\$ 8,696,846	\$ 8,696,846	\$ -	\$ -	0.00%	
Expenses	\$ 187,600	\$ 212,600	\$ 25,000	\$ 25,000	13.33%	ART 1 Omnibus Budget
Total Fire	\$ 8,884,446	\$ 8,909,446	\$ 25,000	\$ 25,000	0.28%	
Total Public Safety	16,568,716	16,802,303	\$ 233,587	\$ 233,587	1.41%	

Public Works						
Salaries	\$ 3,897,254	\$ 3,951,855	\$ 54,601	\$ 54,601	1.40%	ART 6 CBA
Expenses	\$ 2,906,335	\$ 2,906,335	\$ -	\$ -	0.00%	
Municipal Energy	\$ 1,505,038	\$ 1,505,038	\$ -	\$ -	0.00%	
Snow & Ice	\$ 550,000	\$ 550,000	\$ -	\$ -	0.00%	
Total Public Works	\$ 8,858,627	\$ 8,913,228	\$ 54,601	\$ 54,601	0.62%	
Community & Health Services						
Community Services						
Salaries	\$ 1,417,228	\$ 1,481,702	\$ 64,474	\$ 64,474	4.55%	ART 1 & ART 6
Expenses	\$ 523,664	\$ 557,664	\$ 34,000	\$ 34,000	6.49%	ART 1 Omnibus Budget
Total Community Services	\$ 1,940,892	\$ 2,039,366	\$ 98,474	\$ 98,474	5.07%	
Board of Health						
Salaries	\$ 583,583	\$ 587,254	\$ 3,671	\$ 3,671	0.63%	ART 6 CBA
Expenses	\$ 87,000	\$ 87,000	\$ -	\$ -	0.00%	
Total Board of Health	\$ 670,583	\$ 674,254	\$ 3,671	\$ 3,671	0.55%	
Total Community & Health Services	\$ 2,611,475	\$ 2,713,620	\$ 102,145	\$ 102,145	3.91%	

Administrative Support Services						
Board of Selectmen						
Salaries	\$ 1,039,307	\$ 1,039,307	\$ -	\$ -	0.00%	
Expenses	\$ 405,050	\$ 405,050	\$ -	\$ -	0.00%	
Contract Settlements	\$ 1,100,000	\$ 1,317,419	\$ 217,419	\$ 217,419	19.77%	ART 1 less ART 6
Total Board of Selectmen	\$ 2,544,357	\$ 2,761,776	\$ 217,419	\$ 217,419	8.55%	
Personnel Board						
Other Charges & Expenditures	\$ 1,000	\$ 1,000	\$ -	\$ -	0.00%	
Total Personnel Board	\$ 1,000	\$ 1,000	\$ -	\$ -	0.00%	
Town Report						
Professional Services	\$ 4,100	\$ 4,100	\$ -	\$ -	0.00%	
Total Town Report	\$ 4,100	\$ 4,100	\$ -	\$ -	0.00%	
Legal						
Expenses	\$ 512,100	\$ 512,100	\$ -	\$ -	0.00%	
Total Legal Services	\$ 512,100	\$ 512,100	\$ -	\$ -	0.00%	
Finance						
Salaries	\$ 1,159,868	\$ 1,169,945	\$ 10,077	\$ 10,077	0.87%	ART 1 Omnibus Budget
Expenses	\$ 422,330	\$ 422,330	\$ -	\$ -	0.00%	
Total Finance	\$ 1,582,198	\$ 1,592,275	\$ 10,077	\$ 10,077	0.64%	
Information Technology						
Salaries	\$ 415,138	\$ 415,138	\$ -	\$ -	0.00%	
Expenses	\$ 1,024,000	\$ 1,049,000	\$ 25,000	\$ 25,000	2.44%	ART 1 Omnibus Budget
Total Information Technology	\$ 1,439,138	\$ 1,464,138	\$ 25,000	\$ 25,000	1.74%	
Town Clerk						
Salaries	\$ 270,998	\$ 274,185	\$ 3,187	\$ 3,187	1.18%	ART 6 CBA
Expenses	\$ 51,150	\$ 51,150	\$ -	\$ -	0.00%	
Total Town Clerk	\$ 322,148	\$ 325,335	\$ 3,187	\$ 3,187	0.99%	
Elections						
Salaries (Registrars)	\$ 55,400	\$ 55,400	\$ -	\$ -	0.00%	
Expenses (Registrars)	\$ 55,100	\$ 55,100	\$ -	\$ -	0.00%	
Total Elections	\$ 110,500	\$ 110,500	\$ -	\$ -	0.00%	
Sealer of Weights & Measures						
Salaries	\$ 30,400	\$ 30,400	\$ -	\$ -	0.00%	
Expenses	\$ 990	\$ 990	\$ -	\$ -	0.00%	
Total Sealer Weights/Meas.	\$ 31,390	\$ 31,390	\$ -	\$ -	0.00%	
Community & Economic Development						
Salaries	\$ 878,618	\$ 881,756	\$ 3,138	\$ 3,138	0.36%	ART 6 CBA
Expenses	\$ 81,700	\$ 81,700	\$ -	\$ -	0.00%	
Total Community & Economic Development	\$ 960,318	\$ 963,456	\$ 3,138	\$ 3,138	0.33%	
Total Admin. Support Services	\$ 7,507,249	\$ 7,766,070	\$ 258,821	\$ 258,821	3.45%	

Commissions & Committees					
Finance Committee					
Expenses	\$ 37,800	\$ 37,800	\$ -	\$ -	0.00%
Total Finance Committee	\$ 37,800	\$ 37,800	\$ -	\$ -	0.00%
Commission on Disability					
Expenses	\$ 750	\$ 750	\$ -	\$ -	0.00%
Total Commission on Disability	\$ 750	\$ 750	\$ -	\$ -	0.00%
Natick Cultural Council					
Expenses	\$ 700	\$ 700	\$ -	\$ -	0.00%
Total Natick Cultural Council	\$ 700	\$ 700	\$ -	\$ -	0.00%
Historical Commission					
Expenses	\$ 750	\$ 750	\$ -	\$ -	0.00%
Total Historical Commission	\$ 750	\$ 750	\$ -	\$ -	0.00%
Historic District Commission					
Expenses	\$ 550	\$ 550	\$ -	\$ -	0.00%
Total Historic District Comm.	\$ 550	\$ 550	\$ -	\$ -	0.00%
Affordable Housing Trust					
Expenses	\$ 80,000	\$ 80,000	\$ -	\$ -	0.00%
Total Affordable Housing Trust	\$ 80,000	\$ 80,000	\$ -	\$ -	0.00%
Total Commissions & Committees	\$ 120,550	\$ 120,550	\$ -	\$ -	0.00%

Shared Expenses (Unclassified)					
Employee Fringe					
Expenses	\$ 16,593,422	\$ 18,233,422	\$ 1,640,000	\$ 1,640,000	9.88% ART 1 Omnibus Budget
Merit & Performance	\$ 150,000	\$ 150,000	\$ -	\$ -	0.00%
Total Employee Fringe	\$ 16,743,422	\$ 18,383,422	\$ 1,640,000	\$ 1,640,000	9.79%
Property & Liability Insurance					
Purchased Services	\$ 807,150	\$ 847,150	\$ 40,000	\$ 40,000	4.96% ART 1 Omnibus Budget
Total Prop. & Liab. Insurance	\$ 807,150	\$ 847,150	\$ 40,000	\$ 40,000	4.96%
Contributory Retirement					
Pension Assessment	\$ 10,050,826	\$ 10,050,826	\$ -	\$ -	0.00%
Total Contributory Retirement	\$ 10,050,826	\$ 10,050,826	\$ -	\$ -	0.00%
Non-Contributory Retirement					
Pensions	\$ 19,726	\$ 19,726	\$ -	\$ -	0.00%
Total Non-Contributory Retire.	\$ 19,726	\$ 19,726	\$ -	\$ -	0.00%
Debt Service					
Leased Equipment	\$ 151,778	\$ 151,778	\$ -	\$ -	0.00%
Leased Land	\$ 8,900	\$ 8,900	\$ -	\$ -	0.00%
Principal	\$ 9,907,161	\$ 9,907,161	\$ -	\$ -	0.00%
Interest	\$ 6,558,893	\$ 6,558,893	\$ -	\$ -	0.00%
Total Debt Service	\$ 16,626,732	\$ 16,626,732	\$ -	\$ -	0.00%
Reserve Fund					
Other Charges	\$ 250,000	\$ 250,000	\$ -	\$ -	0.00%
Total Reserve Fund	\$ 250,000	\$ 250,000	\$ -	\$ -	0.00%
Shared Expenses (Unclassified) (con't)					
Facilities Management					
Salaries	\$ 2,756,119	\$ 2,819,501	\$ 63,382	\$ 63,382	2.30% ART 6 CBA
Expenses	\$ 670,500	\$ 670,500	\$ -	\$ -	0.00%
Total Facilities Management	\$ 3,426,619	\$ 3,490,001	\$ 63,382	\$ 63,382	1.85%
Total Shared Expenses	\$ 47,924,475	\$ 49,667,857	\$ 1,743,382	\$ 1,743,382	3.64%
Total General Fund Operations	\$ 155,422,477	\$ 157,897,065	\$ 2,474,588		

Water & Sewer Fund Expenditure Summary

This spreadsheet details the appropriations to be made at Town Meeting by department.

	2020	2020	Change	SATM v Proposed		Article Reference
	SATM Budget	Proposed Budget	SATM - Proposed	\$ (+/-)	% (+/-)	
Water & Sewer						
Operations				\$ -		
Salaries	2,099,089	2,134,043	34,954	\$ 34,954	1.67%	ART 6 CBA
Expenses	7,935,672	7,935,672	-	\$ -	0.00%	
Total Operations	10,034,761	10,069,715	34,954	\$ 34,954	0.35%	
				\$ -		
Utility Billing				\$ -		
Salaries	107,981	107,981	-	\$ -	0.00%	
Expenses	89,000	89,000	-	\$ -	0.00%	
Total Utility Billing	196,981	196,981	-	\$ -	0.00%	
				\$ -		
Fringe Benefits				\$ -		
Expenses	880,690	1,240,690	360,000	\$ 360,000	40.88%	ART 1 Omnibus Budget
Total Employee Benefits	880,690	1,240,690	360,000	\$ 360,000	40.88%	
				\$ -		
Debt Service				\$ -		
Principal	2,194,620	2,194,620	-	\$ -	0.00%	
Interest	720,584	720,584	-	\$ -	0.00%	
Total Debt Service	2,915,204	2,915,204	-	\$ -	0.00%	
				\$ -		
Reserve Fund				\$ -		
Expenses	200,000	200,000	-	\$ -	0.00%	
Total Reserve Fund	200,000	200,000	-	\$ -	0.00%	
Total Water & Sewer	14,227,636	14,622,590	394,954	\$ 394,954	2.78%	

Free Cash Spend Down Allocation

Please note Free Cash has not been certified and these are proposals based on available funds.

1. 0.5% of Free Cash is set-aside
2. Article 4 Capital Stabilization funding of \$2,119,347
3. Article 5 OPEB Trust funding of \$475,000
4. Article 1 FY20 Omnibus Budget \$834,588
5. Article 1 FY20 Omnibus Budget (LIUNA) \$1,640,000
6. Article 42 Feasibility Study Morse Institute Parking \$15,000
7. Article 2 Stabilization funding of \$500,000
8. Article 3 Operational Stabilization funding of \$500,000
9. Remaining balance FY21 Operating Budget

ARTICLE 1
Fiscal 2020 Omnibus Budget
(Town Administrator)

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the operation of the government of the Town of Natick, including debt and interest, during Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and to provide for a reserve fund for Fiscal Year 2020, and to see what budgets for Fiscal 2020 will be reduced to offset said additional appropriations; or otherwise act thereon.

Purpose of The Article

The purpose of the article is to adjust any, of the operating budgets of the various town and/or school department budgets based on changes to revenues, costs of programs and services and other factors.

There are multiple motions under this article.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 26, 2019**

MOTION A
Requires a Majority Vote

Move that the Town vote to increase the appropriation voted by the 2019 Spring Annual Town Meeting under article 8 for the following budgets by the sum of \$738,588, said sum to be distributed as follows:

- **To supplement the Public Safety budget as voted under Article 8 Motion B1 of the 2019 Spring Annual Town Meeting by adding \$15,000 to Parking Enforcement Expenses for equipment repairs and collections software maintenance.**
- **To supplement the Public Safety budget as voted under Article 8 Motion B1 of the 2019 Spring Annual Town Meeting by adding \$3,325 to Police Salaries for management merit increases.**
- **To supplement the Public Safety budget as voted under Article 8 Motion B2 of the 2019 Spring Annual Town Meeting by adding \$25,000 to Fire Department Expenses for contractually required assessment center.**
- **To supplement the Administrative Support Services budget as voted under Article 8 Motion E of the 2019 Spring Annual Town Meeting by adding \$10,077 to Finance Salaries for Finance Coordinator upgrade and merit increase for Payroll Manager.**
- **To supplement the Shared Expenses budget as voted under Article 8 Motion G of the 2019 Spring Annual Town Meeting by adding \$40,000 to Property and Liability Insurance for increased insurance coverage costs.**
- **To supplement the Administrative Support Services budget as voted under Article 8 Motion E of the 2019 Spring Annual Town Meeting by adding \$25,000 to Information Technology Expenses for system security testing.**
- **To supplement the Board of Selectmen’s budget as voted under Article 8 Motion E of the 2019 Annual Town Meeting by adding \$620,186 to Board of Selectmen Expense for CBA Settlements.**

With the above Budget be raised from following sources: Free Cash for Fiscal Year 2020 \$738,588

MOTION B

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: Favorable Action

QUANTUM OF VOTE: 11-0-0

DATE VOTED: September 26, 2019

MOTION B
Requires a Majority Vote

Move that the Town vote to increase the appropriation voted by the 2019 Spring Annual Town Meeting under article 8 for the following budget by the sum of \$96,000, said sum to be distributed as follows:

- **To supplement the Community Services and Health budget as voted under Article 8 Motion D of the 2019 Spring Annual Town Meeting by adding \$62,000 to Community Services Salaries for salaries previously covered by the rental revolving fund.**
- **To supplement the Community Services and Health budget as voted under Article 8 Motion D of the 2019 Spring Annual Town Meeting by adding \$24,000 to Community Services Expenses for expenses previously covered by the rental revolving fund.**
- **To supplement the Community Services and Health budget as voted under Article 8 Motion D of the 2019 Spring Annual Town Meeting by adding \$10,000 to the Community Service’s Council on Aging to produce and mail the Sentinel Newsletter.**

With the above Budget be raised from following sources:

Free Cash for Fiscal Year 2020	\$96,000
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MOTION C

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: Favorable Action

QUANTUM OF VOTE: 11-0-0

DATE VOTED: September 26, 2019

MOTION C
Requires a Majority Vote

Move that the Town vote to increase the appropriation voted by the 2019 Spring Annual Town Meeting under article 8 for the following budgets by the sum of \$2,000,000 said sum to be distributed as follows:

- **To supplement the Shared Expenses budget as voted under Article 8 Motion G of the 2019 Spring Annual Town Meeting by adding \$1,640,000 to Shared Expenses, Employee Fringe for buyout of the Town’s liabilities to the LIUNA National (Industrial) Pension Fund.**
- **To supplement the Water & Sanitary Sewer Enterprise Fund budget as voted under Article 8 Motion H1 of the 2019 Spring Annual Town Meeting by adding \$360,000 to Water & Sanitary Sewer, Employee Fringe Benefits for buyout of the Enterprise Fund’s liabilities to the LIUNA National (Industrial) Pension Fund.**

With the above total budget amendment amount be raised from following sources:

Free Cash FY 2020	\$1,640,000
Water and Sewer Retained Earning	\$360,000

Information and Discussion of the Finance Committee

More information on the questions and discussion during the public hearing will be provided to Town Meeting in a Supplement distributed on the first night of Town Meeting.

End of Article

**ARTICLE 2
Stabilization Fund
(Town Administrator)**

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Stabilization Fund established under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

Purpose of The Article

To transfer funds into the Stabilization Fund.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-0-0**

DATE VOTED: **October 3, 2019**

**MOTION
Requires a Majority Vote**

Move that the Town vote to appropriate \$500,000 from Free Cash for the purpose of supplementing the Stabilization Fund established under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended.

Information Provided by the Sponsor

General: For the purpose of unforeseen and catastrophic emergencies

- Target 2% – 5% of General Fund revenue (minimum target \$3,304,712 – goal target \$8,261,779)

Current funding level \$4,906,644, 59% funded

End of Article

ARTICLE 3
Operational/Rainy Day Stabilization Fund
(Town Administrator)

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Operational Stabilization Fund established by vote of the 2011 Spring Annual Town Meeting under Article 4, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

Purpose of The Article

To transfer funds into the Operational Stabilization Fund.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-0-0**

DATE VOTED: **October 3, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to appropriate \$500,000 from Free Cash for the purpose of supplementing the Stabilization Fund established under Article 4 of the warrant for 2011 Spring Annual Town Meeting, as authorized by Chapter 40, Section 5B of the General Laws, as amended.

Information Provided by the Sponsor

Operational: For the purpose of augmenting operations in case of sustained economic downturn

- Target 10% of State Aid and 5% of Local Receipts of the past 3 years (goal target \$6,784,246)
- Current funding level \$3,796,957, 56% funded

End of Article

**ARTICLE 4
Capital Stabilization Fund
(Town Administrator)**

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Capital Stabilization Fund established under Article 2 of the warrant for Fall Annual Town Meeting of 2010, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

Purpose of The Article

To transfer funds into the Capital Stabilization Fund.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-0-0**

DATE VOTED: **October 3, 2019**

**MOTION
Requires a Majority Vote**

Move that the Town vote to appropriate \$2,119,347 from Free Cash for the purpose of supplementing the Capital Stabilization Fund established by the vote of Article 2 of the 2010 Fall Annual Town Meeting, as authorized by chapter 40, Section 5B of the General Laws, as amended.

Information Provided by the Sponsor

Capital: For the purpose of funding any capital related project, piece of capital equipment or debt-service payment

- Target is variable depending on cash capital needs
- Current funding level \$4,759,838

End of Article

ARTICLE 5
Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds
(Town Administrator)

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for, the Other Post-Employment Benefits Liability Trust Fund established pursuant to the provisions of Chapter 32B, Section 20 of the General Laws as amended by section 15 of Chapter 218 of the Acts of 2016; or otherwise act thereon.

Purpose of The Article

The OPEB Trust Fund pays benefits to retirees and was established in 2016. The purpose of this article is to appropriate additional funds to the Trust Fund.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **9-0-0**

DATE VOTED: **October 3, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to appropriate \$475,000 from Free Cash for the purpose of funding the Other Post-Employment Benefits Liability Trust Fund authorized by a vote of the 2017 Spring Annual Town Meeting under Article 15, as authorized by Chapter 32B, Section 20 of the General Laws as amended by Section 15 of Chapter 218 of the Acts of 2016

Information Provided by the Sponsor

OPEB Trust: For the purpose of funding the Other Post-Employment Benefits (OPEB) retiree health insurance

- Target \$168M per last valuation; current valuation in progress
- Current funding level \$3,725,684

End of Article

**ARTICLE 6
Collective Bargaining
(Board of Selectmen)**

Article Language

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, to implement any Collective Bargaining Agreements between the Town Natick and any recognized bargaining units of the Town; or otherwise act thereon.

Purpose of The Article

This article is to effect the changes to the Town's operating budgets caused by accepting Collective Bargaining agreements.

There are two motions under this article.

Finance Committee Recommendation

**The Finance Committee
took the following action
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **9-0-0**

DATE VOTED: **October 3, 2019**

**MOTION A
Requires a Majority Vote**

Move that the Town vote to appropriate the total sum of \$402,767 from the Selectmen's Contract Settlement line item, as approved by vote of the 2019 Spring Annual Town Meeting under Article 8, for the implementation of the Terms of the Agreements reached between the Town and the following collective bargaining units:

- a) **Massachusetts Laborers’ District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Employees;**
- b) **Massachusetts Laborers’ District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works’ Department;**
- c) **Massachusetts Laborers’ District Council Public Employees Local Union 1116 of the Laborers International Union of North America – AFL CIO Library Employees;**
- d) **Massachusetts Laborers’ District Council Public Employees Local Union 1116 of the Laborers International Union AFL CIO – Facility Management Employees;**
- e) **Supervisors and Administrators Association (DPW);**
- f) **The Natick Patrol Officers’ Association; g) New England Police Benevolent Association, Inc. Local 182, Dispatchers; for payment of wages effective July 1, 2018 through June 30, 2019.**

The total sum of \$402,767 shall be transferred to the following departmental line items as indicated below to supplement appropriations that were previously appropriated at the 2019 Spring Annual Town Meeting under Article 8:

Morse Institute Library – Salaries	\$82,052
Police Department – Salaries	\$190,262
Department of Public Works – Salaries	\$54,601
Health & Community Services – Board of Health Salaries	\$3,671
Health & Community Services – Community Services – Salaries	\$2,474
Administrative Support Services – Town Clerk Salaries	\$3,187
Administrative Support Services – Community Development Salaries	\$3,138
Shared Expenses – Facilities Management Salaries	\$63,382

Finance Committee Recommendation

**The Finance Committee took the following action
Motion B:**

RECOMMENDATION: Favorable Action
QUANTUM OF VOTE: 9-0-0
DATE VOTED: October 3, 2019

MOTION B
Requires a Majority Vote

Move that the Town vote to appropriate the total sum \$34,954 from Water/Sewer Fund Retained Earnings, for the implementation of the terms of the agreement reached between the Town and Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Employees for payment of wages effective July 1, 2018 through June 30, 2019. The total sum of \$34,954 shall be transferred to the following departmental line items as indicated below to supplement appropriations that were previously appropriated at the 2019 Spring Annual Town Meeting under Article 8 Motion H1:

Water/Sewer – Salaries	\$34,954
-------------------------------	-----------------

Information Provided by the Sponsor

Under Motion A, the amount for the Morse Institute Library – salaries, is for a 3 year contract period. For all other line items under Motion A, the period is one year.

Under Motion B, the period is for one year.

End of Article

ARTICLE 7
Personnel Board Classification and Pay Plan
(Town Administrator)

Article Language

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend Article 24 of the Natick Town By-Laws, specifically the Classification and Pay Plan referenced in Section 3, paragraph 3.10 therein, by adding, deleting or amending position titles; re-classifying positions to a different Grade; and/or effecting changes in the salary ranges as presently established; or otherwise act thereon.

Purpose of The Article

This article is to effect the changes to the Town's Personnel Classification and Pay Plan caused by accepting the Personnel Board's recommendation.

Finance Committee Recommendation

**The Finance Committee
took the following action
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **October 1, 2019**

MOTION
Requires a Majority Vote

Move that the town vote to amend the By Laws by changing in its entirety the table entitled Classification and Pay Plan that is incorporated by reference into Article 24, Section 3, Paragraph 3.10 with the new Classification and Pay plan as follows:

Town of Natick
Classification and Pay Plan
Effective July 1, 2019

Grade	Minimum	Point 1	Point 2	Maximum
6	\$ 125,000.00	\$ 140,000.00	\$ 155,000.00	\$ 165,000.00
5	\$ 100,000.00	\$ 120,000.00	\$ 135,000.00	\$ 145,000.00
4	\$ 75,000.00	\$ 90,000.00	\$ 105,000.00	\$ 125,000.00
3	\$ 60,000.00	\$ 72,000.00	\$ 85,000.00	\$ 105,000.00
2	\$ 48,000.00	\$ 55,000.00	\$ 62,500.00	\$ 80,000.00
1	\$ 42,000.00	\$ 48,000.00	\$ 54,000.00	\$ 60,000.00

GRADE 6

Chief of Police
Deputy Town Administrator/Director of Finance
Deputy Town Administrator/Operations
Fire Chief
Town Administrator

GRADE 5

Comptroller
Deputy Chief of Police
Director of Community & Economic Development
Director of Facilities Management
Director of Human Resources/Labor Relations
Director of Information Technology
Director of Public Works
Director of Strategic Initiatives & Partnerships

GRADE 4

Assistant Comptroller
Building Commissioner
Director of Assessing
Director of Senior Center & Community Services
Director of Public Health
Director of Recreation & Parks
Morse Library Director
Treasurer/Collector

GRADE 3

Assistant Assessor (certified)
Assistant Director Council on Aging
Assistance Director of Finance
Assistant Director Recreation & Parks
Assistant Library Director, Morse Library
Assistant Treasurer/Collector
Bacon Free Library Director
Benefits Manager
Communications/Information Officer
Director of Recreation Programs/Special Events
Environmental Health Agent
Executive Director, Farm
Facility Maintenance Manager
Golf Course Manager
Housing/General Planner

GRADE 3 Continued

Information Systems Data Base Administrator
Information Systems Network Administrator
Local Building Inspector (certified)
Planner/Conservation Agent
Prevention & Outreach Program Manager
Procurement Manager
Project Manager
Public Health Nurse
Regulatory Compliance Coordinator
Senior Environmental Health Specialist
Senior Planner
Staff Accountant
Sustainability Coordinator
Veterans Agent

GRADE 2

Assistant Assessor (non-certified)
Assistant Director, Bacon Free Library
Assistant Director, Farm
Assistant Director Internal Operations, Farm
Clinical Social Worker
Data Analyst
Executive Assistant
Facility Custodial Supervisor
Golf Course Superintendent
Human Resources Coordinator
Payroll Manager
Sanitarian
Senior Executive Assistant
Social Worker
Social Worker Coordinator
Special Assistant to Director of Community Services
Special Assistant to Director of Facilities Management
Special Needs Coordinator
System Specialist Administrative

GRADE 1

Animal Control Officer
Finance Coordinator
Golf Professional
Parking Enforcement Officer
Outreach Coordinator
Program Manager Volunteer Services
Student Officer
Teen Center Coordinator

Town of Natick
Part-Time Classification and Pay Plan
Effective July 1, 2019

Hourly Wage Scale

Grade	Minimum	Point 1	Point 2	Maximum
1	\$ 11.00	\$ 14.00	\$ 17.00	\$ 20.00
2	\$ 14.00	\$ 24.00	\$ 27.00	\$ 30.00
3	\$ 24.00	\$ 34.00	\$ 37.00	\$ 40.00

Grade 1

Assistant Leader (Rec)
Assistant Swim Coach
Attendant (Rec)
Building Monitor I (Rec)
Bus Dispatcher
Bus Driver
Cart Attendant (Golf)
Clerical Assistant
Club House Attendant (Golf)
Club House Supervisor (Golf)
Concession Manager
Custodian
Deputy Animal Control Officer
Election Clerk
Election Inspector
Equipment Operator (Golf)
Instructor
Laborer I
Leader/Counselor (Rec)
Library Page (Morse)
Lifeguard
Parking Clerk
Ranger/Starter (Golf)
Receptionist
School Crossing Guard (1st Year)
Senior Counselor (Certified-Rec)
Specialist (Rec)
Timer/Scorer

Grade 2

Administrative Support
Assistant Director (Rec)
Beach Manager
Bookkeeper
Building Monitor II (Rec)
Camp Director
Community Garden Coordinator
Conservation Agent
Election Warden
Golf Course Mechanic
Head Lifeguard
Instructor II
Intern Cooperative
Laborer II
Library Assistant (Bacon)
Parking Enforcement Officer
Plumbing and Wiring Inspector
Police Matron
Police Transcriber
Program Assistant
Program Supervisor (Rec)
Recycling Attendant
School Crossing Guard
Social Worker
Swim Coach
Transportation Coordinator
Volunteer Coordinator I

Grade 3

Adult Contractor
Building Inspector
Certified Sports Official
Instructor III
Laborer III
Nurse (RN)
Volunteer Coordinator II

Position	Annual Rate
Inspector of Animals	\$ 3,750.00
Registrar of Voters	\$ 966.00
Town Meeting Page	\$50.00 / Session

Last page of article 7

End of Article

ARTICLE 8
PEG Access and Cable Related Fund
(Town Administrator)

Article Language

To see what sum of money the Town will vote to appropriate from the PEG Access and Cable Related Fund, established by vote of 2019 Special Town Meeting #1 under Article 1, as authorized by Chapter 44, Section 53F $\frac{3}{4}$ of the General Laws, as amended, to fund PEG access programming, as well as certain other municipal cable related expenses; or otherwise act thereon.

Purpose of The Article

This article is to effect the changes to the Town's Personnel Classification and Pay Plan caused by accepting the Personnel Board's recommendation.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Referral to Board of Selectmen**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **October 1, 2019**

MOTION
Requires a Majority Vote

Move referral of Article 8 to the Board of Selectmen

Information Provided by the Sponsor

Funds have not yet been received by the Town of Natick for funding this article.

End of Article

**ARTICLE 9
Rescind Authorized, Unissued Debt
(Town Administrator)**

Article Language

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects; or otherwise act thereon.

Purpose of The Article

To rescind authorized but unissued debt of the Town from one or more borrowing appropriations voted by Town Meeting.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **9-0-0**

DATE VOTED: **October 1, 2019**

**MOTION
Requires a Majority Vote**

Move that the Town vote to rescind authorized debt for a general fund land acquisition approved under Article 29 of the 2016 Spring Annual Town Meeting, in the amount of \$3,200,000 for the purpose of the acquisition of 22 Pleasant St.

Information Provided by the Sponsor

At that Spring 2015 Town Meeting, and at subsequent Town Meetings, several Articles received favorable action which, in the aggregate, have authorized the Board of Selectmen to acquire the *entirety* of 22 Pleasant Street in fee simple, for \$3.2M, with the

funding source of funds to be borrowing. As is discussed and enumerated in Articles 25 and 26, as well as Capital Article, motion A2, the negotiation for the purchase, in fee simple, for 22 Pleasant St. has been stalled for many months and there seems to be little chance that it will take a turn for the positive. With no P&S for the property, and no expectation of closing, the Town has yet to borrow funds for such a purpose. Therefore, the Town Administration believes the best course of action is to rescind the authorized debt.

Taking this action would be consistent with a favorable action by Town Meeting on either Article 12, motion A2 and/or Article 25. With that in mind, **the Finance Committee recommends a procedural motion to move Article 9, to be heard after Articles 12, motion A2, Article 25 and Article 26 have been completed.** In moving Article 9 to follow, Town Meeting will have a fuller understanding as to the will of Town Meeting, with respect to 22 Pleasant St., at this point in time.

Information and Discussion of the Finance Committee

X

Other Information of Relevance to Town Meeting

X

End of Article

**ARTICLE 10
Unpaid Bills
(Town Administrator)**

Article Language

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects; or otherwise act thereon.

Purpose of The Article

To appropriate funds to pay unpaid bills from the prior fiscal year (FY'19)

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **No Action**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote No Action on the subject-matter of Article 10.

Information and Discussion of the Finance Committee

There are no unpaid bills currently. Finance committee recommends Article 10 for the Consent Agenda

End of Article

**ARTICLE 11
Capital Equipment
(Town Administrator)**

Article Language

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.

Purpose of The Article

The purpose of this article is to appropriate funds for various Capital Equipment projects.

There are multiple motions under this article and all motions are on the pages following the full set of recommendations.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 24, 2019**

MOTION B

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 24, 2019**

MOTION C

**The Finance Committee
took the following action on
Motion C:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 24, 2019**

MOTION D

**The Finance Committee
took the following action on
Motion D:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **11-1-1**

DATE VOTED: **September 24, 2019**

MOTION E

**The Finance Committee
took the following action on
Motion E:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 24, 2019**

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

Please refer to the DPW presentation beginning on the next page for the capital equipment requests under Article 11 and the capital improvement requests under Article 12.

Article 11 - Capital Equipment - 2019 Fall Annual Town Meeting

9/17/2019

MOTION A: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$584,800 to be expended under the direction of the Department of Public Works for the purpose of replacing vehicle #3 Engineering Survey Vehicle, and replacing dumpsters, under the direction of the Natick Public Schools for upgrading security cameras and door controls, repairing and replacing curtains and rigging at the Johnson Elementary School, the Wilson Middle School, and the Natick High School, replacing projectors in the Natick Public Schools, and an auditorium sound and microphone upgrade study, under the direction of the Facilities Department for the purpose of replacing white boards at the Brown Elementary School, under the direction of the Fire Department for the purpose of purchasing Nomex Fire Hoods, and replacing a rescue boat, under the direction of the Information Technology Department for the purpose of replacing projectors at Town Hall, under the direction of the Police Department for the purpose of replacing police cruisers, and replacing meter poles, under the direction of the Sustainability Coordinator for an electrification feasibility study, and under the direction of Town Administration for capital emergencies, individually shown as items 1 through 14 in Table A below, and that to meet this appropriation the sum of \$584,800 be raised from the Capital Stabilization Fund.

TABLE A - MOTION A: Article 11 - Capital Equipment - 2019 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	DPW - Engineering	Replace Vehicle 3 (E-2) Engineering Survey Vehicle	Capital Stabilization	\$52,000
2	DPW - Highway, Sanitation, and Recycling	Replace Dumpsters	Capital Stabilization	\$17,500
3	Natick Public Schools	Natick Public School - Security Cameras/ Door Controls	Capital Stabilization	\$80,000
4	Natick Public Schools	Repair/Replace Stage Curtains/Rigging At Johnson Elementary, Natick High School, Wilson Middle School	Capital Stabilization	\$45,000
5	Natick Public Schools	School Projector Installation/Replacement	Capital Stabilization	\$83,000
6	Natick Public Schools	Auditorium Sound And Microphone Upgrade Study FCC Band	Capital Stabilization	\$15,000
7	Facilities	Brown Elementary School - White Board Replacement (9)	Capital Stabilization	\$25,000
8	Fire	Nomex Fire Hoods	Capital Stabilization	\$8,500
9	Fire	Rescue Boat	Capital Stabilization	\$30,000
10	Information Technology	Town Hall Projector Installation/Replacement	Capital Stabilization	\$16,000
11	Police	Cruiser Replacement	Capital Stabilization	\$130,000
12	Police	Meter Pole Replacement	Capital Stabilization	\$35,000
13	Sustainability	Electrification Feasibility Study	Capital Stabilization	\$13,000
14	Town Administration	Capital Emergencies	Capital Stabilization	\$34,800
				\$ 584,800

Appropriation under Article 11: MOTION A

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$330,000 to be expended under the direction of the Department of Public Works for the purpose of replacing vehicle 511 Recycling Truck, 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 \$330,000 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 \$330,000 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 11 - Capital Equipment - 2019 Fall Annual Town Meeting

<u>Item #</u>	<u>Department</u>	<u>Item</u>	<u>Funding Source</u>	<u>Amount</u>
1	DPW - Highway, Sanitation, and Recycling	Replace Vehicle 511 (S-101) Recycling Truck	Tax Levy Borrowing	\$330,000
				\$ 330,000

Appropriation under Article 11: MOTION B

MOTION C: (majority vote required)

Move that the Town vote to appropriate the sum of \$5,000 to be expended under the direction of the Golf Course Enterprise Fund for the purpose of a sod cutter individually shown as items 1 in Table C below, and that to meet this appropriation the sum of \$5,000 be raised from the Golf Course Retained Earnings.

TABLE C, MOTION C: Article 11 - Capital Equipment - 2019 Fall Annual Town Meeting

<u>Item #</u>	<u>Department</u>	<u>Item</u>	<u>Funding Source</u>	<u>Amount</u>
1	Golf Course	Sod Cutter	GC Retained Earnings	\$5,000
				\$ 5,000

Appropriation under Article 11: MOTION C

MOTION D: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$910,000 to be expended under the direction of the Department of Public Works for the purpose of replacing vehicle 619 Vector Truck, and Springvale/Elm Bank Chemical Feed Upgrades individually shown as items 1 and 2, in Table D below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$910,000 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 \$910,000 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 D, MOTION D: Article 11 - Capital Equipment - 2019 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Replace Vehicle 619 (W-30) Vector Truck	W/S Borrowing	\$600,000
2	Water Sewer Enterprise	Springvale/Elm Bank Chemical Feed Upgrades	W/S Borrowing	\$310,000
				\$ 910,000

Appropriation under Article 11: MOTION D

MOTION E: (majority vote required)

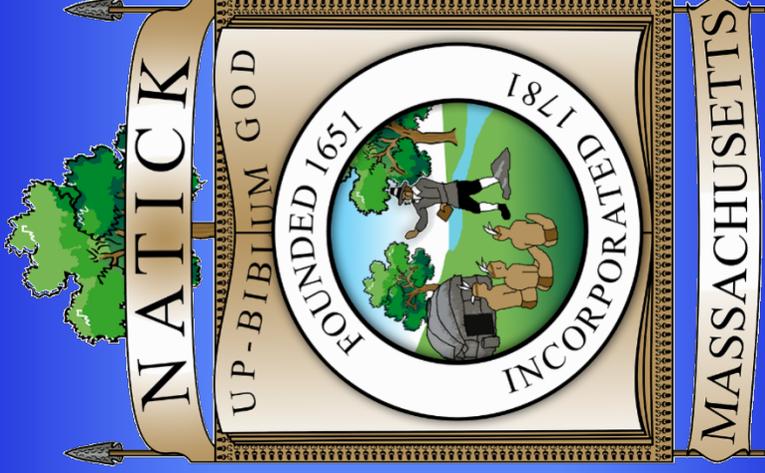
Move that the Town vote to appropriate the sum of \$80,000 to be expended under the direction of the Department of Public Works for the purpose of SCADA Equipment Upgrades, individually shown as item 1 in the Table E below, and that to meet this appropriation the sum of \$80,000 be raised from the from Water Sewer retained earnings.

TABLE E, MOTION E: Article 11 - Capital Equipment- 2019 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	SCADA Equipment Upgrade	W/S Retained Earnings	\$80,000
				\$ 80,000

Appropriation under Article 11: MOTION E

Town of Natick Department of Public Works



Capital Requests 2019 Fall ATM

September 24, 2019

Replace Dumpsters

- Dumpsters at 12 Municipal Buildings/Sites and at all Public Schools
- Existing inventory of 60 total Containers – from 2 cy to 30 cy in size
- For collection of Solid Waste, Cardboard, SS Recycling
- Replacement costs range from \$2,000 to \$6,000 per dumpster (requested funding would replace 2 to 4 containers)





Police Cruiser Replacement

Over 100,000 miles at replacement

Two Police Interceptors





Replace Vehicle 3 (E-2) Engineering Van

Replacement of 2010 Ford Transit Connect

Vehicle will be 10 years old at time of replacement

Over 60,000 miles and 5,000 hours at replacement

Deferred from FY19





Replace Vehicle 511 (S-101) Recycling Truck

Replacement of 2014
Peterbilt Side Load
Recycling Truck

Over 75,000 miles and
8,000 hours at replacement

Mechanical Issues

Sidearm Loading
Mechanism – high wear
and tear





Replace Vehicle 619 (W-30) Vactor Truck

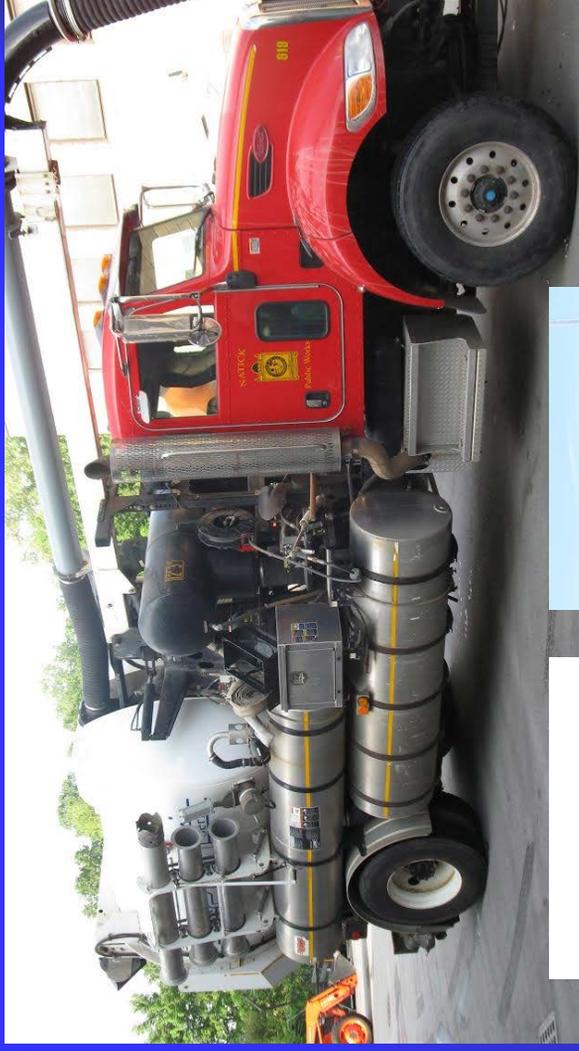
Replacement of 2010
Peterbilt Vactor Truck

Vehicle will be 10 years old
at time of replacement

Over 75,000 miles and
4,500 hours at replacement

Deferred from FY19

Mechanical and
Maintenance Issues





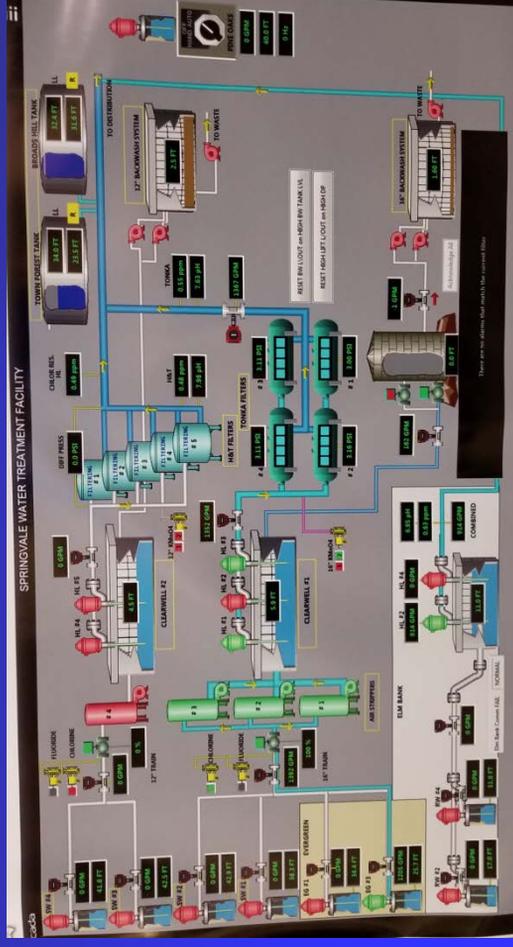
Springvale/Elm Bank WTEFs

- Chemical Feed Upgrades

- Installation of 'day tanks' for water treatment additives
- Installation of chemical feed systems
- Increase safety, efficiency, and reliability
- Primary Drinking Water Sources
- Regulatory Requirement

SCADA Equipment Upgrade

- Upgrades and Replacement of Supervisory Control and Data Acquisition (SCADA) System Components
- SCADA allows for remote monitoring/operation and automatic warnings/alarms for operation of over forty Water and Sewer facilities
- Multi-year project
- Funds will target Evergreen and Elm Bank Well Sites (including the addition of communications with Elm Bank remote water supply wells)



Guardrail Replacement

- Replace Damaged and Deficient Guardrail at various locations
 - Replace Cable Style Guardrail on Route 30
 - Repair Guardrail various locations



Park and Field Renovations

- Hunnewell Complex – continue replacing backstop, fencing, player benches; replace worn/aging irrigation equipment; infield grading; improve signage (identity, rules, regulations)
- Mahan Field – Backstop and safety netting, infield grading
- Murphy Field – Infield grading
- Irrigation Upgrades/Replacement – Cole, Sargent, Mathworks Fields



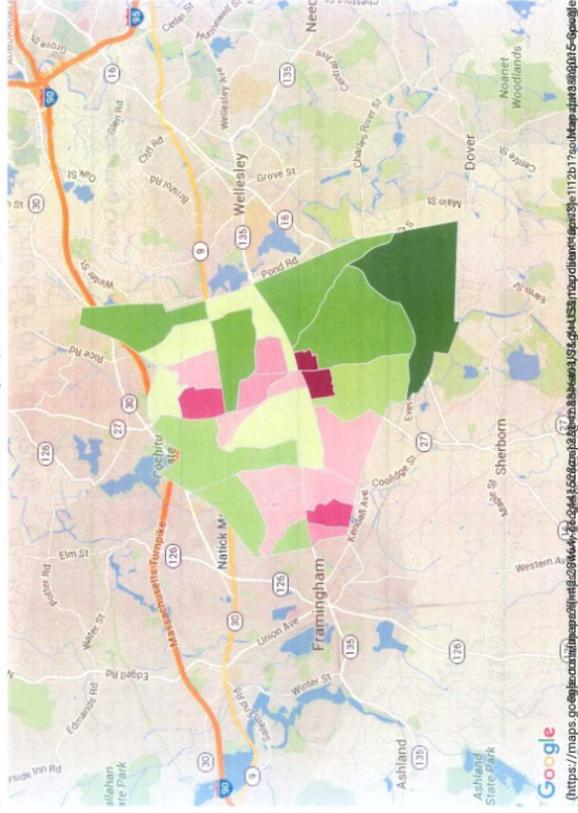


Tree Replacement

- Continue Public Shade Tree Planting
- 30-50 Hazard Trees removed per year (will increase)
- <https://www.natickma.gov/1637/Strategic-Tree-Planting-Program>



11/27/2015 Prioritize Tree Planting - Maps - i-Tree Landscape



How To Prioritize Tree Planting

Better areas to plant trees, based on existing tree canopy and impervious ground cover, can be expressed by a "Priority Planting Index". This index is built upon individual indices calculated for each of the selected regions on the map. Each criteria affects a region's priority for tree planting:

Recommended (as space is needed for new trees):

- **Tree Stocking Level:** low level indicate land area that could accommodate trees, but currently do not.

Optional (select 1 to 4):

- **Tree Cover per Capita:** low amounts of tree cover relative to population.
- **Population Density:** higher density, more urban-like areas.
- **Minority Population Density:** areas possibly underserved by tree cover due to ethnic make-up.
- **Percent Population Below Poverty Line:** areas possibly underserved by tree cover due to economic circumstances.

Each criteria is standardized on a scale of 0 to 1, with 1 representing the selection with the highest priority. Individual criteria scores for each selected region are combined and standardized based on common scenarios or user defined importance (i.e. weight) of each, to produce an overall Priority Planting Index (PPI) value between 0 and 100.



Tree Inventory

- Continue inventory of public shade trees and trees of significance
- Aids in assessment of risk and mitigation of risk
- Estimate of 8,000 public shade trees townwide
- <https://www.natickma.gov/1560/Public-Tree-Inventory>

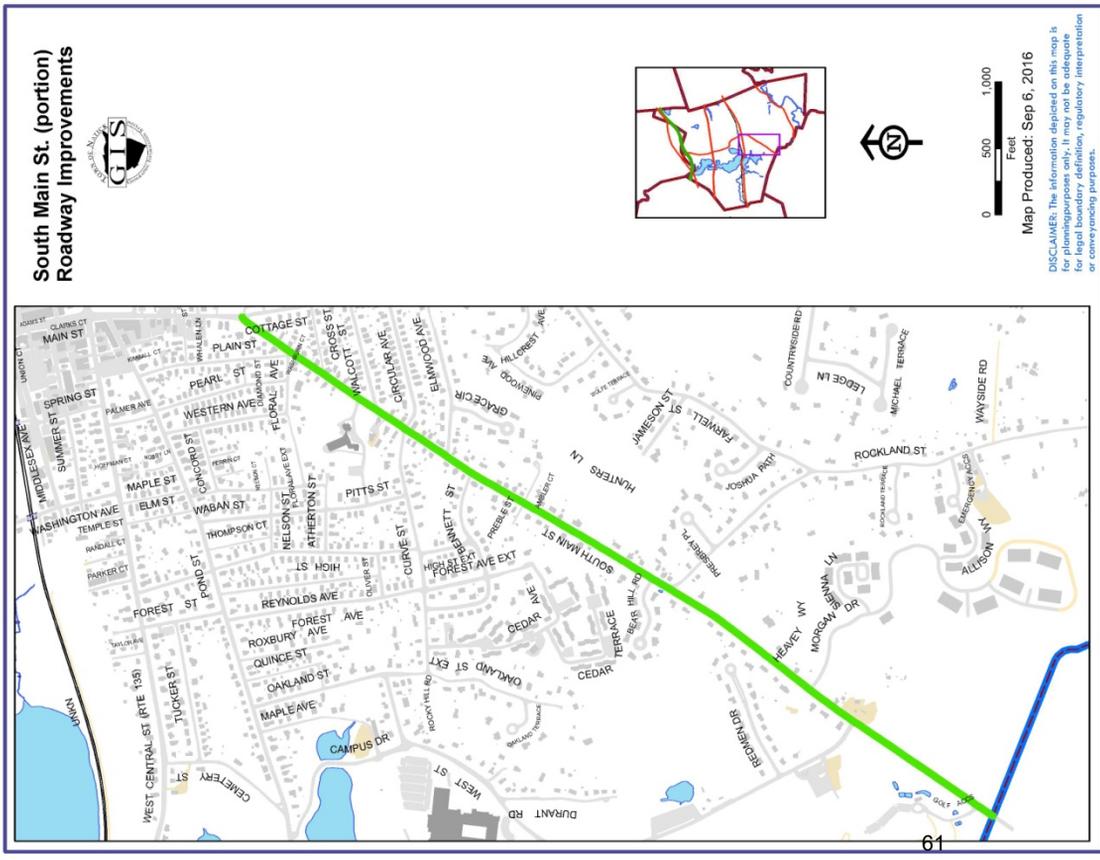
The screenshot displays the ArborScope web application interface. At the top, the URL is <https://www.arborscope.com/mapDisplay.cfm?id=0FC5C0C0.pdf>. The page header includes the Natick Massachusetts logo and the ArborScope logo, which is powered by Bartlett Tree Experts. A navigation menu contains links for Home, Natick Public Works, Natick Capital Improvements, Natick Weather, COMMUNITY, and Report non-emergencies. The main content area features a satellite map of Natick, MA, with numerous tree locations marked by colored circles. A legend on the right side of the map indicates tree ages: New Planting (green), Young (light blue), Semi-Mature (medium blue), Mature (dark blue), Over-Mature (orange), and N/A (grey). A 'Filter Options' panel on the right allows users to filter trees by age, with 'Filter Trees' and 'Reset' buttons. Below the filter panel, there are input fields for 'Street Address', 'Go To Address', and 'My Location', along with a 'Go' button. A 'View Tree ID:' field is also present. On the left side of the map, there is a 'Cumulative Asset Value of All Inventoried Trees' of \$3,971,984.55. At the bottom of the page, there is a promotional banner for Bartlett Tree Experts, featuring a tree and the text: 'We're Bartlett Tree Experts. No matter the size or scope of your tree and shrub needs, our experts bring a rare mix of local service, global resources and innovative tree care practices that makes your landscape thrive.' The footer contains the text 'Legal Information: Copyright ©2018, Bartlett Tree Experts. All rights reserved.'



Construction Roadway Improvements South Main Street

Reconstruct 6,300 feet of South Main Street

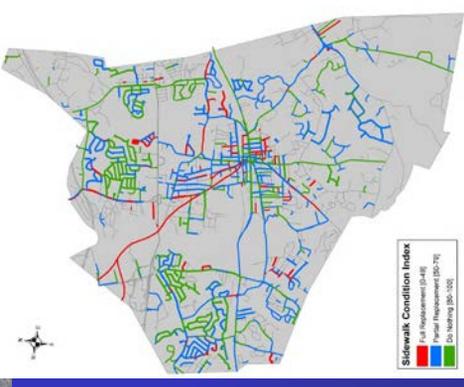
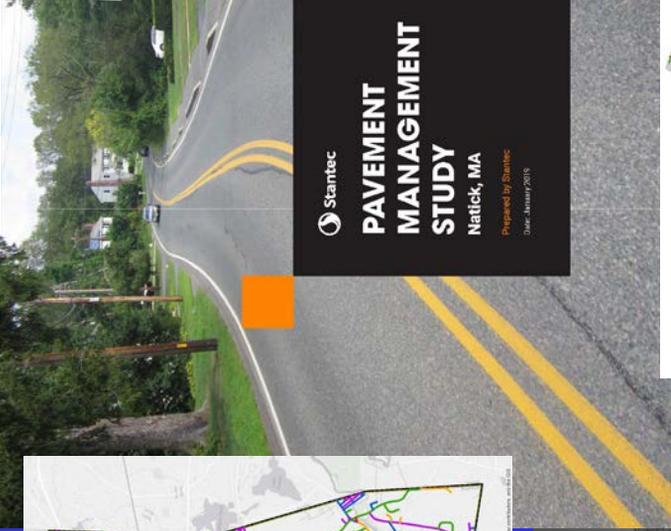
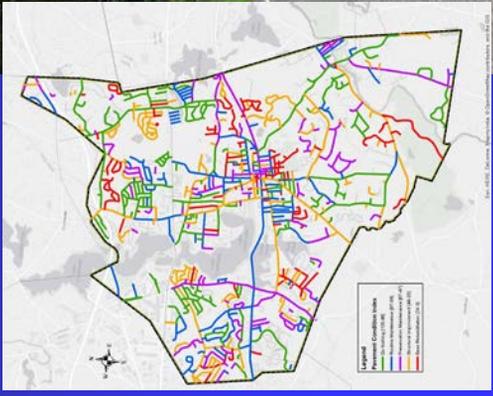
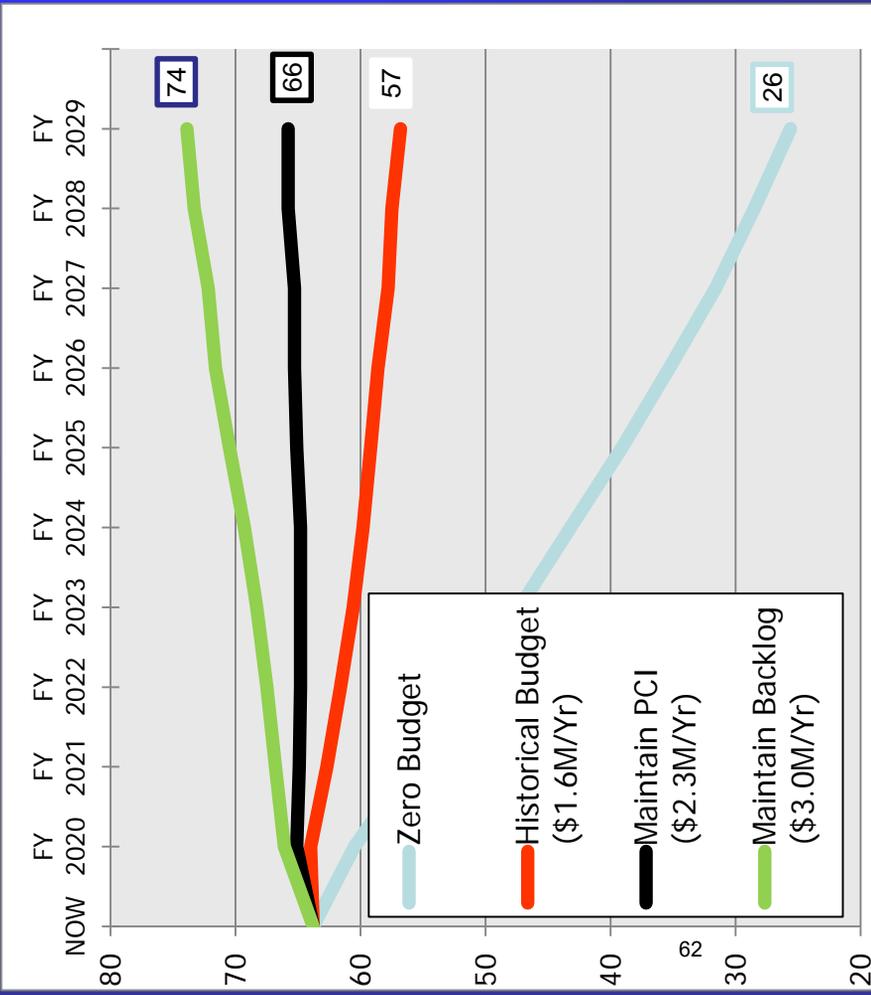
- Roadway
- Stormwater Drainage
- Curbing
- Sidewalks and Driveways
- Pedestrian and Bike Imprv





Roadway & Sidewalk Supplement

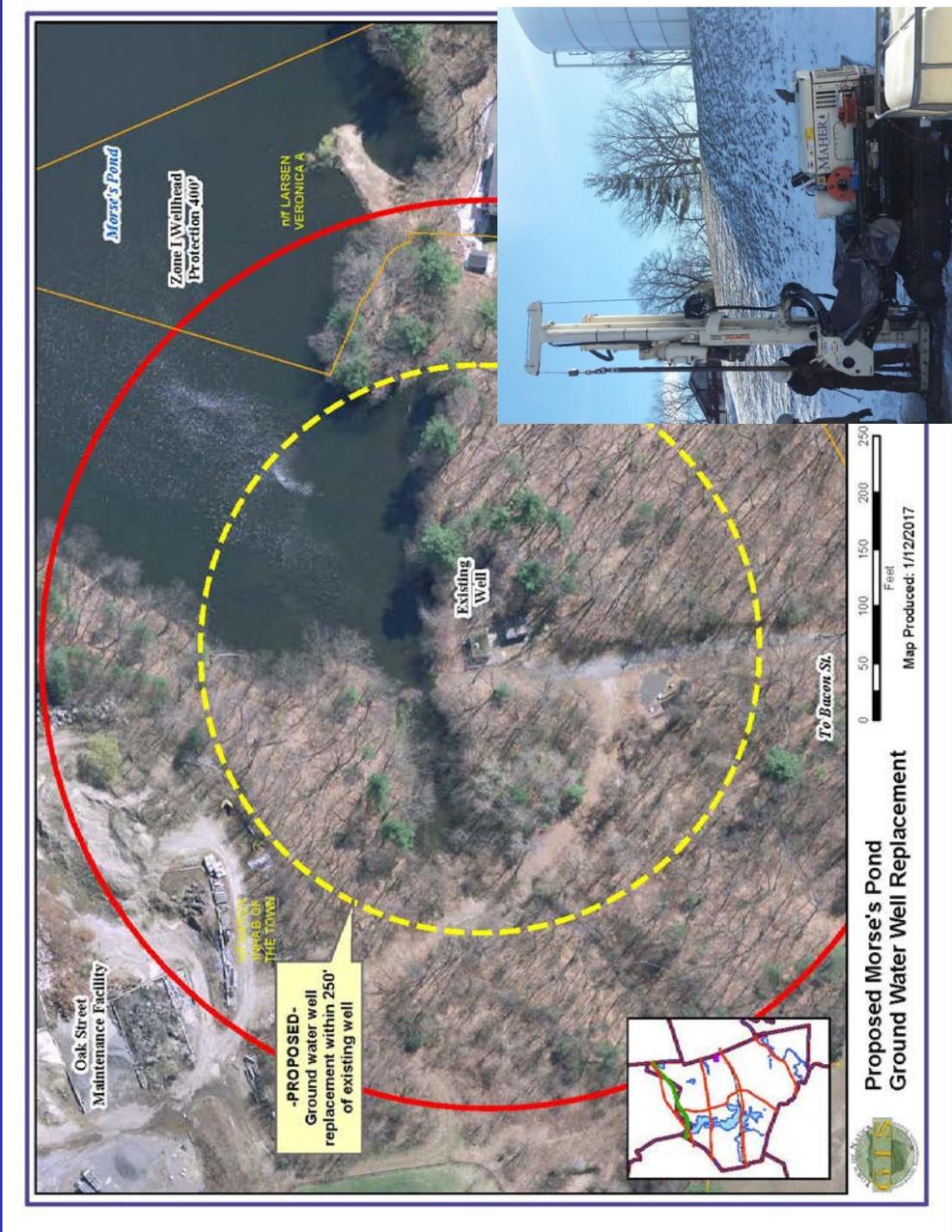
- Supplement to Chapter 90 Funding
- Annual Roadway Improvement Contract
- Five Year Roadway Improvement Plan





Replace Groundwater Wells

- Multi-phase project to rehabilitate and replace Town's water supply wells
- Current request would provide funds to complete the reconstruction of the Morse Pond Water Supply Well and return this source to full capacity



Water Distribution System

Enhancements

- Repair and Replacement of Water Distribution Infrastructure
- Repair broken gate valves and insert additional valves - Townwide
- Repair and Replacement Fire Hydrants Townwide (20+ hydrant replacements planned for FY20)





Water Meter Replacement Study

- Development of Water Meter Replacement Program
- Analysis/Review current technology, network hardware and equipment needs
- 13,800 Water Meters and Transmitters
- Primary basis of Water and Sewer Usage and Billings

Thank You for Your
Continued Support!



Last page for Article 11.

End of Article

**ARTICLE 12
Capital Improvement
(Town Administrator)**

Article Language

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.

Purpose of The Article

The purpose of this article is to appropriate funds for various Capital Improvement projects.

There are multiple motions under this article and all motions are on the pages following the full set of recommendations.

Finance Committee Recommendation

The Finance Committee took the following action on Motion A1 (items 1-15):

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 24, 2019**

MOTION A2

The Finance Committee took the following action on Motion A2 (Item #16):

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-1**

DATE VOTED: **October 1, 2019**

MOTION B

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **11-0-1**
DATE VOTED: **September 24, 2019**

MOTION C

**The Finance Committee
took the following action on
Motion C:**

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **11-0-0**
DATE VOTED: **September 24, 2019**

MOTION D

**The Finance Committee
took the following action on
Motion D:**

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **11-0-0**
DATE VOTED: **September 24, 2019**

Recommendations continue next page.

MOTION E

**The Finance Committee
took the following action on
Motion E:**

RECOMMENDATION: Favorable Action

QUANTUM OF VOTE: 11-0-0

DATE VOTED: September 24, 2019

Motions begin on next page

Article 12 - Capital Improvement - 2019 Fall Annual Town Meeting

9/26/2019

MOTION A1: (Two-thirds vote required)

Move that the Town vote to appropriate the sum of \$692,500 to be expended under the direction of the Facilities Management Department for the purpose of replacing Wilson Middle School Bathroom Partitions, Retiling Cafeteria Floor at the Johnson Elementary School, Replacing Interior Stairways at the Johnson Elementary School, painting 12 classrooms at the Wilson Middle School, adding AC in the office and support areas at the Wilson Middle School, engineering to replace the Digital Data Control System at the Bennett Hemenway Elementary School, engineering study for air conditioning the second floor at the Wilson Middle School and the Bennett Hemenway Elementary School, adding additional heat to the garage at the Police Station, under the direction of the Department of Public Works for installing or repairing guardrail, park and field renovations, tree replacement, tree inventory, under the direction of the Sustainability Coordinator for energy efficiency programs, engineering the roof replacement at the Town Hall, retiling the second floor hallway at the Johnson School, painting classroom walls and ceilings at Bennett Hemenway School, under the direction of the Police Department to renovate the firing range, and under the direction of Town Administration for clock repair and Hunnewell Field access and field improvements, individually shown as items 1 through 15 in the Table A1 below, and that to meet this appropriation the sum of \$692,500 be raised from the Capital Stabilization Fund.

TABLE A1, MOTION A1: Article 12 - Capital Improvement - 2019 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Facilities	Wilson Middle School Bathroom Partitions	Capital Stabilization	\$40,000
2	Facilities	Johnson School - Retile Cafeteria Floor	Capital Stabilization	\$15,000
3	Facilities	Johnson School - Replace Interior Stairways	Capital Stabilization	\$30,000
4	Facilities	Wilson Middle School - Paint 12 Classrooms	Capital Stabilization	\$50,000
5	Facilities	Wilson Middle School - adding AC Office and Support Area	Capital Stabilization	\$12,500
6	Facilities	Bennett Hemenway School Engineering To Replace The DDC System	Capital Stabilization	\$25,000
7	Facilities	Engineering Study For 2nd Floor AC At Wilson And Ben Hem	Capital Stabilization	\$50,000
8	Facilities	Police Station - Add Additional Heat To The Garage	Capital Stabilization	\$15,000
9	DPW - Highway, Sanitation, and Recycling	Guardrail (Various Locations)	Capital Stabilization	\$12,000
10	DPW - Land Facilities and Natural Resources	Park And Field Renovations	Capital Stabilization	\$175,000
11	DPW - Land Facilities and Natural Resources	Tree Replacement	Capital Stabilization	\$30,000
12	DPW - Land Facilities and Natural Resources	Tree Inventory	Capital Stabilization	\$10,000
13	Sustainability	Energy Efficiency Programs	Capital Stabilization	\$100,000
14	Police	Firearms Range Renovation	Capital Stabilization	\$110,000
15	Town Administration	Downtown Clock Repairs	Capital Stabilization	\$18,000

Appropriation under Article 12: MOTION A

\$ 692,500

MOTION D: (requires a majority vote)

Move that the Town vote to appropriate the sum of \$158,500 to be expended under the direction of the Department of Public Works for the purpose of water distribution system enhancements and water meter replacement study, individually shown as items 1 and 2, in Table E below, and that to meet this appropriation the sum of \$158,500 be raised from Water Sewer Retained Earnings.

TABLE D, MOTION D: Article 12 - Capital Improvement - 2019 Fall Annual Town Meeting

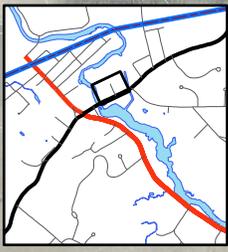
<u>Item #</u>	<u>Department</u>	<u>Item</u>	<u>Funding Source</u>	<u>Amount</u>
1	Water Sewer	Water Distribution System Enhancements	W/S Retained Earnings	\$150,000
2	Water Sewer	Water Meter Replacement Study	W/S Retained Earnings	\$8,500
Appropriation under Article 12: MOTION E				\$ 158,500

MOTION E: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Department of Public Works for the purpose of sewer collection system repairs and maintenance, individually shown as items 1, in Table E below, and that to meet this appropriation the sum of \$150,000 be raised from the I & I Stabilization Fund.

TABLE E, MOTION E: Article 12 - Capital Improvement - 2019 Fall Annual Town Meeting

<u>Item #</u>	<u>Department</u>	<u>Item</u>	<u>Funding Source</u>	<u>Amount</u>
1	Water and Sewer Enterprise	Sewer Collection System Repairs & Maintenance	I & I Stabilization Fund	\$150,000
Appropriation under Article 12: MOTION F				\$ 150,000



Existing field

Proposed new wood guard rail

Proposed new exit 12' driveway

Proposed new Little League ballfield

Existing Town land access from Pleasant St.

Proposed 20' opening in existing stone wall

Backstop



Hunnewell Fields Proposed Access & Baseball Field

Natick DPW-GIS Division
75 West Street
Natick, Mass. 01760
Date: 9/27/2019



PHOTOGRAPHY BY: RICHARD J. MEX. GSP

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Kier B. Wachterhauser
Sarah A. Catignani

Ann M. O'Neill, Senior Counsel

Please respond to Quincy

August 4, 2014

Paul B. Griesmer, Chairman
Article 40 Committee
Natick Town Hall
13 East Central Street
Natick, MA 02186

Re: Hunnewell Playground, 22 Pleasant Street, Etc.

Dear Mr. Griesmer:

In my opinion the answers to some of the Committee's questions are as follows:

1. The cart road is within a fifteen (15) foot wide portion of the land shown on Town of Natick Assessors' Map 64, Lot 48. This land was conveyed to the Town of Natick by a deed from Arthur Hunnewell to the Town of Natick dated April 30, 1902 and recorded with the Norfolk County Registry of Deeds at Book 2962, Page 41. That deed provides that the land "shall be used as a playground and place of recreation for all the citizens" of the Town of Natick.

A full title examination would be required to determine whether there has been any change in the status of that land. Absent such an examination, the available information indicates that the so-called cart path is owned by the Town of Natick for recreation for all the citizens of the Town of Natick.

In my opinion the so-called cart path may be used for access to and egress from the athletic fields at the back portion of that land.

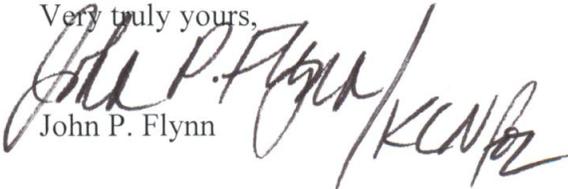
MURPHY, HESSE, TOOMEY & LEHANE, LLP
Attorneys At Law

Paul B. Griesmer, Chairman
Article 40 Committee
Natick Town Hall
Natick, MA 02186
Page 2

2. The Town of Natick does not have an access easement over that land. The Town of Natick owns that land.
3. If the subject land were rezoned from IN1 to RG, the 1967 variance would not change. The landowner could use the land for any use permitted as of right in an RG district. The landowner could apply for a special permit and, if successful, could use the land for any purpose allowed by that special permit.
4. The IN1 use restrictions currently contained in the Natick Zoning By-Laws apply to that portion of the property at 22 Pleasant Street, which is located within the IN1 district, unless:
 - a. variance has been issued by the Natick Zoning Board of Appeals; or
 - b. a use of the property is a valid, preexisting nonconforming use, i.e., it was a valid use when it was commenced, and it subsequently became nonconforming due to any amendment to the Natick Zoning By-Laws.
5. The vote of the 1960 Annual Town Meeting under Article 73 struck out the entire text of the Zoning By-Laws and established a new version of the Natick Zoning By-Laws.

The Committee has submitted, through you, several requests for opinions and information. It has required and will require substantial time to review and analyze the information in order to respond to the Committee. We will continue to do so within the constraints of time, resources, and other needs of the Town of Natick.

Very truly yours,


John P. Flynn

JPF\sd
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Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

Please refer to the DPW presentation under Article 11 for additional information on the Capital Improvement requests.

Summary of Article 12 Motion A.2

Town Administrator: I'm here again to express my sincere hope that we can find a resolution that is pragmatic and realistic and within our budget. I have proposed is a self-reliant model that utilizes the current land that the town owns that would allow access to the Hunnewell fields on a driveway from Pleasant Street St. to the parking lot for access and then exiting through on a road where the stone wall is next to field #2 (egress) (Note: a map of this proposal is provided on a following page).

Some of the partners that we'd work with on this proposal would be the Planning Board, Conservation Commission, Natick Historical Society, and Natick Little League. This self-reliant option is priced at between \$400,000 - \$600,000. And this should be pursued in parallel with Article 25, the motion that the Board of Selectmen will present later. I believe that this is not only fiscally prudent and pragmatic, and it also provides for in-perpetuity access without any reliance on a third party.

Information and Discussion of the Finance Committee

Finance Committee recommends that Motion A2 be moved to be heard concurrent to Article 25 and 25 as they all relate to the same subject-matter.

Questions related to Article 12 Motion A.2

- Will the baseball fields on either East School field or Navy Yard be available for Natick LL this coming spring?
 - East School is a little bit further along than Navy Yard. We've had some delays with Eversource, among others. As far as the timing, we're approximately 2 ½ weeks away from the playground opening at East School, but the field is not yet ready, but not the field since we were unable to put the seed down based on where we are in the grass growing season. With respect to Navy Yard, we're probably at least one week out. The "playability" of the field, particularly Field #2, would be an issue that we have to work with. I do think that there are other means and would work diligently to pursue those that other options. I would footnote that, in any event, if we do any field improvement, we would lose access for a

period of time, much like you would with a kitchen renovation in your home.

- My next question is relevant to the parcel that we would be using as the access point often described to as the “cart path” staff. As I understand it, it’s roughly less than 13.5 half feet wide. After accounting for a wall that runs along the northern end of that cart path with the zoning requirement to leave two feet, unpaved to the side of the driveway, do we believe that there are any issues or challenges of having a narrow width?
 - Ms. Malone: Chief Hicks was unable to be here tonight. I’d like to have Mr. Gusmini speak to this issue.. has many effects, unable to be with us tonight.
 - Mr. Gusmini: The access width right now - when I was out there looking at it, there are stakes out that are 15 feet from the existing stone wall. You'd have to keep at least two feet from the stone wall so you wouldn't undermine any type of foundation to the stone wall. So we'll end up with about 13 feet wide. We would probably have to over-excavate a little bit to give it the maximum width. We could probably end up with about a 12 foot wide drive ingress for that particular cart path.
- The survey that I was able to see, which I think was defined as the enlarged section 2000 survey in NovusAgenda shows that the amount of space that we have available is approximately 12.36 feet, understanding the wall would allow for the allowable buffer on the northern side and to allow for the two foot buffer on the southern side. I guess there's some contention as to whether that survey is accurate.
 - Mr. Gusmini: I was working off the stakes in the ground with ribbons on them that were 15 feet apart - I don't know who put them there. I don't know if that's an accurate survey, but going by that particular stakes line, you could be 15 feet from the inside of the wall, and have a two foot buffer out from the stone wall. On the other side, there wouldn't be a buffer because there are woods in between the two.
- Worst-case scenario If the driveway is 11 feet wide, would that be sufficient for access of emergency vehicles, particularly fire equipment.
 - Mr. Gusmini: If the Fire Department needed to respond to that site, they're going to use the 22 Pleasant Street driveway, regardless of whether the town owns it or not. That said, the only thing that's going to go in on that cart path are vehicles – cars, vans, that sort of thing.
- Understanding the way that this would go, there would be some requirement through this process to separate given the fact that the 22 Pleasant Street parking and drive and access is all merged together with the Hunnewell access. Through this process, we would need to delineate those two pieces of property, would there have to be some form of buffer to put up between those two pieces of property.
 - Mr. Gusmini: Absolutely, Any use of this cart path would be reviewed by the Planning Board for their approval and they would do a site plan review. They're going to ensure that proper ingress widths. It has to be delineated – there is no question we would have to know exactly where our lot lines are.

- Based on the survey that we have, the access points to the cart path. And the access point through 22 Pleasant Street would be approximately 3-4 feet apart from one another. Given all the potential uses 22 Pleasant Street could have and the employees or the individuals who may be working in that building entering or leaving at any given time, and the individuals who would be gaining access to Hunnewell fields. Do we have any thoughts, given that the abutter would be given notice about this, that there could be problems or delays related to the incredibly close proximity of those two access points?
 - Ms Malone: That issue has been discussed. One of the things that we talked about is the width of the two driveways was delineating via signage, that indicated the it was an entrance only to the cart path (subject to Planning Board review). The abutter would, of course, be given legal notice. However, I believe that, irrespective of giving that notice, and of objection, considering that we're here, based on that abutter's removal of our access to the driveway that we would be able to proceed. Again, we're trying to find a solution. This is not the first time that the town has had this access cut off and my position as Town Administrator is that the most practical way to solve this is to work with our own town bodies – the Planning Board, the Historic Commission and the Conservation Commission, and use our own land, so that we can together work on a solution for the town. And again, with respect to the abutters in the neighborhood, we're trying to be as respectful as possible without disturbing the current area of Merrill Road.
- Given the potential issues that could occur as you go through the planning process, including abutters abilities and rights to contend or a host of different things, does the town have a backup plan for field access if access through 22 Pleasant St. is terminated, for example, we are hung up in a permitting process that may go beyond April 2020.
 - Ms. Malone: The motion in Article 25 sponsored by the Board of Selectmen works in parallel with Article 12A.2 and provides two very viable options. Our intention with Article 12A.2 is that the town would acquire that land for its usage in perpetuity and it would allow for the town not to need to acquire additional land. Article 12A.2 and Article 25 should be pursued in tandem to ensure field access.
- Articles 25 and 26 were submitted to the warrant in August. When was Article 12A.2 slipped into the warrant and when were the abutters notified.
 - Ms. Malone: Along with the discussions that we had in the spring and the summer, this was an idea that was only formulated relatively recently when we were doing a site visit (probably our 20th site visit). Sometimes you need some time away from the issue to think about how to resolve it. We went down to the site after the idea was articulated and recognized that this is a viable solution and was reviewed with Land Facilities Natural Resources (LFNR) Department, Public Safety and the Building Commissioner. After this validation, we reviewed it with the Board of Selectmen as soon as we were able to do so. and included it along with the capital items that were presented to this committee.

However, it has not gone through the permitting process because it must first be approved. If the Article is approved, the Planning Board and Conservation Commission would review the proposal and that is when abutters would be notified. The owner of the nursery school who currently uses the town land for free is supportive of this.

- In looking at this plan, the proposed new exit driveway is 12 feet, Yet the proposed opening in the historic stone wall is 20 feet. Is that correct?
 - Ms. Malone: That is correct. And that's based on what currently from a public safety, perspective and recommendation.
- Did you tell this committee last week that the Mr. Collins, the Chair of the Historic District Commission was okay with taking 16 more feet of that historic stone wall apart.
 - Ms. Malone said she spoke with Mr. Collins, along with Mr. Evers, along with other people, but I've never represented that anybody who has assented to the proposed plan.
- Trying to understand how the proposals under Article 12 and article 25 work in tandem - are we going to explore article 12 first; And if that doesn't work out, then try to go with Article 25 to try to get access rights. And if we did get access rights, would we not pursue the strategy in Article 12.
 - Ms. Malone: I do think that there's a nice symmetry here. When we were looking at this access problem, one of the issues that was identified is that the current exit off of 22 Pleasant Street is a driveway where you turn to go north, you somewhat take your life in your hands because the sight lines are so bad; if you turn to the south you can't see around the bend. So one of the things in developing this that we recognized was that this is something that we should solve. So with respect to the capital improvement (field improvement and use of the cart path) can be done in tandem. Because the actual use of the cart path, potentially as an exit is further north on Pleasant Street that would improve the sight lines. We would have Town Counsel working with respect to gaining access on Article 25. At the same time, the town team would work with engineers, etc. The plan that is drawn out for you shows some different areas that do have to be demarcated. We also have to work with the Planning Board and other to get their review on the initial plans. So this really would truly be in parallel to see which approach would be the most advantageous to the town.
- If things aligned perfectly and we obtained an easement under Article 25 in the next few months, would we not pursue article 12?
 - Mr. Hickey: I have given this some thought myself. I don't think there's a really clear answer yet in terms of when or what exact point there is where one path essentially continues and another one stops. As you heard from Ms. Malone, the self-reliant concept needs to work for the town. There are questions that need to be addressed on it – right now it's a conceptual plan that Public Safety, Engineering, and our Building Commissioner have all kind of weighed in at a high level and considered viable. To me, that just means it's enough to pursue the next phase of exploration. And that

needs to be done quickly. In tandem, we're also going to pursue the access easement and there are still unknowns there in terms of the need to get an appraisal. Factors will emerge that bring both of these into better focus, I would say at some point, I would think that one is going to mature and be seen as the leading approach. And In the meantime, it's better to pursue, unfold and have a potential for more than one of those in the toolkit. But you won't need to do both ultimately.

- I wanted to clarify. If we voted positively on both of these motions, the intent is not to spend money on both – but one or the other.
 - Ms. Malone said the Board of Selectmen would not spend the money on construction and development right away. There is a to pursue these alternatives that will include some soft costs and the development of the proposals on paper
- Are there any issues potentially, with developing the cart path near field because of it is potentially Article 97 land?
 - Ms. Malone: We've spoken with Town Counsel and we do not believe that will be an impediment.
- Article 12 includes making improvements to the baseball field itself, Correct?
 - Ms. Malone: That's correct. Part of the reason for that is that one of the things, as I mentioned to you last Thursday, was one of the criticisms that I have heard the past year is the maintenance of current assets. So, while we're building things, the question is also what are you doing to maintain them. One of the things that I discussed is the "Hunnewell hop" that refers to the conditions of fields 2 and 3. Field 1 is really coveted. If we're really going to develop a solution, my thought is that we would actually improve the fields 2 and 3 for a long term solution that would be a great value to our community.

Public Comments

Mr. Robert Awkward, Town Meeting member, Precinct 10, abutter to 22 Pleasant Street property. Article 12 is certainly pragmatic, but I'm not necessarily practical. There are a lot of issues with that approach, a lot of unknowns, a lot of potential expense, and no guarantee of ultimate success. There are issues with the width of the cart path and in order to get adequate space, you might have to deal with the stone wall and get Historic District Commission district permission. There may actually be a need for 5-10 more feet for a handicapped sidewalk and that clearly needs to be looked at by a licensed professional and a detailed plan developed to identify what we need. I'm not sure that the owner of 22 Pleasant Street will want to sell us any additional land. The beginning of the driveway to 22 Pleasant Street and the planned entrance to the baseball field are very close (3-4 feet apart) and that's an absolute safety issue. You can barely pull out of that driveway now as it is and just imagine pulling out of 22 Pleasant Street at the same time. Given that the driveway abuts a canal to the left of his driveway, he will have less land to build a driveway that may hinder his ability to rent or sell the property. If the owner takes the issue to land court, it could take 6-12 months to get a judgment and while that's going on, we won't have access to the ball fields via 22 Pleasant Street. I'm looking at the plan

that was presented tonight and the egress is very close to the ball field. I'm concerned about the safety of people walking between these fields. Article 25 is about easement rights and eminent domain. The 22 Pleasant Street owner would now have an easement that may limit what he can do with that property. So, he may again be aggrieved and may to take legal action. We know the owner is very prone to taking legal action. There is no doubt that Article 26 is more expensive than the Article 12 plan. However, it is the one way we can ensure permanent and immediate access to the baseball field. It's a win-win and we have additional space for open recreation space. We acquire additional parking space and remove already dangerous overflow situations. It avoids the pollution issue by containing the pollution. The 22 Pleasant Street owner gets the price he was looking for through the acquisition of air and surface rights.

Mr. Kevin Wasilewsky, 4 Merrill Road.

I'm an abutter to Field #2 and the father of two LL players. My commentary will primarily be on Article 12A.2 since the primary result would be a new road directly over the wall that abuts my property and would create a new road that would punch a new hole into the stone wall going to Pleasant Street. I have a couple of questions about the plan being proposed: 1) what's the amount of space between the stone wall and the actual road, the width of the road, the amount of space between the road and the wood barrier, and the amount of space needed between the wood barrier and the actual field itself. 2) Is there actually enough space to re-position Field #2?; 3) is there enough space to do Article 12 and 25. For those who haven't seen the site, I encourage you to go back during game days – there's a tremendous amount of traffic in terms of kids moving either to/from Pleasant Street to the other fields. I don't see anything on that plan that accommodates that foot traffic. My other concern is that we're creating a fairly busy intersection in a place that's already congested with parking for folks that are getting access to river via the boat launch or fishing across or over the dam. I'd also like to understand where the crosswalk is and whether it would be relocated. I'm sure that's going to be in the next steps as the plans are calculated. The last thing I'd point out is, from a cost perspective, if we are truly interested in procuring this land, Article 12 seems a short-sighted to me that if we are going to spend \$600,000 for potentially a solution that may not be needed. I know that we're trying to solve an imminent problem, but have we discussed a short-term solution or short-term incentives that would encourage him to us to continue to have access, I heard mention of tax revenue that we're getting from that location - is there an opportunity to provide some sort of relief to continue to have access to that entryway?

Mr. Frank Foss, Town Moderator

I want to ask a technical question here. Article 12A,2 was a defined amount \$600,000, and Article 25 is \$100,000. What's the appropriation under Article 26?

- Mr. Brandt said that Article 26 presumes that the authorization for the Board of Selectmen to spend up to \$3.2 million previously approved by Town Meeting is still valid.

Mr. Foss noted that that his reading is that it's taking the original appropriation and saying you can amend it and is setting no limit to what you can change. I have not seen too many articles like this in my time as a Town Meeting member. We're actually going

to provide the Board of Selectmen with “carte blanche” to do all the things specified in item 2) of Article 26 and it gives no limitation on what they spend.

Ms. Nancy Quinlan, Water St.

Water Street runs towards the Charles River on the other side of the Charles River opposite 22 Pleasant Street. I moved to Natick about 12 years ago and shortly after, a gentlemen came to the door with a packet of information about 22 Pleasant Street. The thing that alarmed me the most was an article from 1986 that was published in the Boston Globe that stated that there was environmental hazards under the building. I wonder whether it under that property and might have gone into that canal that’s been mentioned. I’m concerned the canal riverbed could just have rivulets that can cause mosquito problems around the fields and a recreational area. There are two considerations for me – both the ball field access and the conservation of that land. Lastly, this area is one of best places in the state to fish because it's catch-and-release and this very important, rare piece of real estate needs to be protected.

Seth Levine, Natick Recreation and Parks Commission.

At the R&P meeting in August, the Natick Recreation department was notified of this letter; prior to that that we had no idea that field access was an issue. At that time, we decided to have a special meeting in which Article 26 was presented and approved. Article 12 hasn’t been vetted – it hasn’t been reviewed by the R&P Commission and I’m not sure whether it’s a viable plan. I live on Dover Road and walk down towards South Natick center quite often. Already, you have to get by the first stream of traffic in the summer. Now you're going to have another stream of traffic. Also, when you go by the baseball field closest to Pleasant Street, there are always kids playing throwing balls. I’m not sure that having another area where a driveway brings cars through is a good idea and there . There is certainly a safety consideration – should you put up a huge fence so foul balls don't go there. I'm not sure how you how you can create a safe environment with that plan. That said, whatever plan it is will take time to figure out so that it's done right. And the issue that has already been stated is potentially loss of access starting in December. The owner could sell land to somebody else to build single family houses or something like that and you would have the same access issue. And at this time, you don't know if Article 12 will work. Giving the Selectmen the ability to negotiate in Article 25 is not a bad thing. But that’s what we're giving the Selectmen with Article 26 as well – the ability to negotiate the air and surface rights for the property. The town has already said in previous Town Meetings that they support the purchase of the land. It creates a great recreational area for the town.

Mr. Matt Lodi, Natick LL Director.

From the LL standpoint, the one goal we’re most concerned about is field access and parking. So, whether that's 12 or 25, or 26, or however that goes about getting us access, that is our end goal. In looking over the plan that Ms. Malone provided, we see another potential option which is to take what Field 2 was and make that the parking lot. We would need another field and we would love to have lights, specifically on Field One; That could solve two things: 1) give us permanent access - there are ways to block off that field so that kids are not in danger of being struck or hit by vehicles. Balls won't hit

those vehicles on Field 2. 2) We'll have greater flexibility by being able to play games at 5:30 and 7:30 at night.

Linda Curtis, 22 Pleasant Street

I've lived at 41 Pleasant Street for 34 years. I have a couple of points to bring up. I'm amazed that parents aren't concerned that their children are playing on this field, given that we're talking so much about environmental issues. I think that the cap would help a great deal. Secondly, the cart path, and stone wall are both historic. South Natick is a really beautiful historical area. And I think here we are starting to change some of the history of this of this area just so that we can have access to this ball field. And last, I mean, I think the cap is probably the best idea that we have in terms of trying not to have exposure to this. Traffic is horrendous in South Natick now. Going out to Route 128 and coming back at night. I've been in front of the traffic court for three or four times now - it's terrifying - people are passing on the street, don't stop at the stop signs. And then you're going to put another two roads to Pleasant Street.

Mr. Rick Jennett, Member, Board of Selectmen, Precinct 7 Town Meeting member.

I'm not speaking as a member of the Board of Selectmen. This property has been addressed at Town Meeting a number of times. Town Meeting authorized the Board of Selectmen to acquire this property at a maximum of \$3.2 million. A number of variables got in the way of that negotiation and the last time that it came to Town Meeting, it was shut down. This time I'm hoping that all of the facts about the minimal contamination compared to what is being presented in a fear factor of major contamination will come to light. I'm hoping that the facts that the Recreation Commission come out with will help the public to understand that and especially Town Meeting and even the town administration and the Board of Selectmen who have the final decision. It's a situation where we need facts. This is the centerpiece of open up the open space that surrounded across the river as well. It's important in this town to take this opportunity to find a way to put this parcel of property into our open space. This article isn't going to determine what we are going to deal with this space or any of the spaces at Hunnewell fields. This article is just about allowing the town to acquire the parcel. Then we begin to plan better and hopefully we will plan better than Article 12, which I don't think is a very good idea. If the board and negotiate a clean parcel at standard that are acceptable for recreation and open space, the board should be allowed to do that.

Other Information of Relevance to Town Meeting

On the following page is a map showing the design concept for the capital improvements related to the Hunnewell Fields under Motion A2 of Article 12.

Last page for Article 12.

End of Article

**ARTICLE 13
Committee Article
(Board of Selectmen)**

Article Language

To see if the Town will vote to hear and discuss the reports of town officers, boards, and committees; or otherwise act thereon.

Purpose of The Article

To hear from the various Town Committees and Boards.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **No Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 24, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote No Action on the subject-matter of Article 13.

Information and Discussion of the Finance Committee

Finance committee recommends Article 13 for the Consent Agenda

End of Article

ARTICLE 14
Increase Gross Receipts For Eligibility for Property tax Deferral Program
(Board of Selectmen)

Article Language

To see if the Town will vote to increase the maximum qualifying gross receipts from all sources which an eligible person may have as exempt from property taxes in the prior calendar year, to be eligible to defer property taxes under G.L. c. 59§ 5, Clause 41A; however such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of Section 6 of Chapter 62 for a single person who is not a head of household. Such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2019; or otherwise act thereon.

Purpose of The Article

The purpose of Article 14 is to provide options to senior citizens in Natick to enable them to stay in their homes longer and not be faced with financial hardship as there taxes rise on a year over year basis.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-1**

DATE VOTED: **September 26, 2019**

MOTION

Requires a Majority Vote

Move that the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59§ 5, Clause 41A from \$56,000 to the maximum amount of income determined by the commissioner of revenue for the purposes of the senior circuit breaker tax credit,

subsection (k) of Section 6 of Chapter 62, for a single person who is not a head of household. Such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2019; or otherwise act thereon.

Information provided by the Sponsor

The Board of Selectmen formed a Senior Property Tax Exemption Committee to investigate options and opportunities for Senior Tax relief. It is believed that senior don't take advantage of enough of the programs available to them. The committee looked at a number of different options.

The recommendation is to increase gross receipts that seniors may have to use for their annual property tax payments and tie future receipts to the State program.

A major option for the program is to set up the tax deferral with an index and this motion sets up a pre-defined index that then doesn't require Town Meeting to take action every year.

The tax deferral program allows seniors to not pay the full tax on their home and then once the home is sold they "pay-off" the deferral with the proceeds from their home sale.

- The Town takes a first lien position and the Mortgager agrees to take a second position
- It doesn't work with a Reverse Mortgage
- A transfer to a Trust doesn't necessary trigger the payment, but moving the home into a trust may disqualify the homeowner from applying and receiving the deferral in subsequent years

Information and Discussion of the Finance Committee

The general consensus of the committee was that this program is good for the seniors and provides flexibility, allowing them to remain in their home longer.

End of Article

ARTICLE 15
Street Acceptance-Eliot Hill Road, Merifield Lane, Woodcock Path
(Board of Selectmen)

Article Language

To see if the Town will vote to accept **Eliot Hill Road, Merifield Lane and Woodcock Path** as public ways, and any appurtenant easements thereto, as laid out as shown a plan entitled "Eliot Acres Section II, a Subdivision of land in Natick Mass. " dated July 30 1966, Prepared by Schofield Brothers Registered Land Surveyors & Civil Engineers, recorded at the Middlesex (South) Registry of Deeds as plan Number 1122 of 1967, book 11401, Page 527; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Eliot Hill Road, and any appurtenant drainage, utility or other easements related to said Eliot Hill Road and/or to accept grants thereof; and further to authorize the Board of Selectmen and other Applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; Meaning and intending to accept the remainder of Eliot Hill Road, Merifield Lane and Woodcock Path, such that the entirety of these named roads are accepted by the Town as public ways., or otherwise act thereon.

Purpose of The Article

Road acceptance for Eliot Hill Road, Merifield Lane and Woodcock Path.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to accept Eliot Hill Road, Merifield Lane and Woodcock Path as public ways, and any appurtenant easements thereto, as laid out as shown a plan entitled “Eliot Acres Section II, a Subdivision of land in Natick Mass,” dated July 30, 1966, prepared by Schofield Brothers Registered Land Surveyors & Civil Engineers, recorded at the Middlesex (South) Registry of Deeds as Plan Number 1122 of 1967, Book 11,401, Page 527; and further, that the Town authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Eliot Hill Road, and any appurtenant drainage, utility or other easements related to said Eliot Hill Road and/or to accept grants thereof; and further, to appropriate the sum of \$1000 from Free Cash for the purposes of this article; and further, to authorize the Board of Selectmen and other applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; meaning and intending to accept the remainder of Eliot Hill Road, Merifield Lane and Woodcock Path, such that the entirety of these named roads are accepted by the Town as public ways; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

The information provided under Article 15 relates to Articles 16 and 17 as well. These articles were heard concurrently.

All roadways in Articles 15, 16, & 17 have a subdivision plan with street layouts that is on file at the Middlesex South Registry of Deeds, so there is no design cost to layout these roadways. The only costs are legal fees and the cost to implement this acceptance following Town Meeting approval. Natick created a simplified procedure for street acceptance that was approved by the State Atty. General. These procedures apply to roadways that were approved by the Planning Board under the Modern Subdivision Control Regulations.

However, it still requires that all abutters agree to this street acceptance which means they relinquish their property rights to the roadway via a “gift” to the town, resulting in a permanent transfer of ownership to the town. Most of the abutters on these roadways have signed a letter of intent with the town to accept the roadway. Approximately, 2600 feet of Eliot Hill Road, 660 feet of Merifield Lane, 450 feet of Woodcock Path, 380 feet of Michael Terrace, and 640 feet of Clearview Drive would be accepted under these motions. In the past, there have been three acceptances of sections of Eliot Hill Road in 1970, 1975 and 1978 and this will enable the entirety of Eliot Hill Road to be an accepted roadway and be re-paved next year. All told, it’s a little less than one mile of previously private roadways that will become accepted roadways.

ARTICLE 16
Street Acceptance – Michael Terrace
(Board of Selectmen)

Article Language

To see if the Town will vote to accept **Michael Terrace** as a public way, and any appurtenant easements thereto, as laid out as shown a plan entitled “Countryside Acres, Subdivision of Land in Natick Mass. “ dated May 14, 1962, Prepared by McCarthy Engineering Service Inc., recorded at the Middlesex (South) Registry of Deeds as plan Number 1332 of 1963, book 10,363, Page 221; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Michael Terrace, and any appurtenant drainage, utility or other easements related to said Michael Terrace and/or to accept grants thereof; and further to authorize the Board of Selectmen and other Applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; Meaning and intending to accept the remainder of **Michael Terrace**, such that the entirety of this named road is accepted by the Town as a public way, or otherwise act thereon.

Purpose of The Article

To accept the street.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

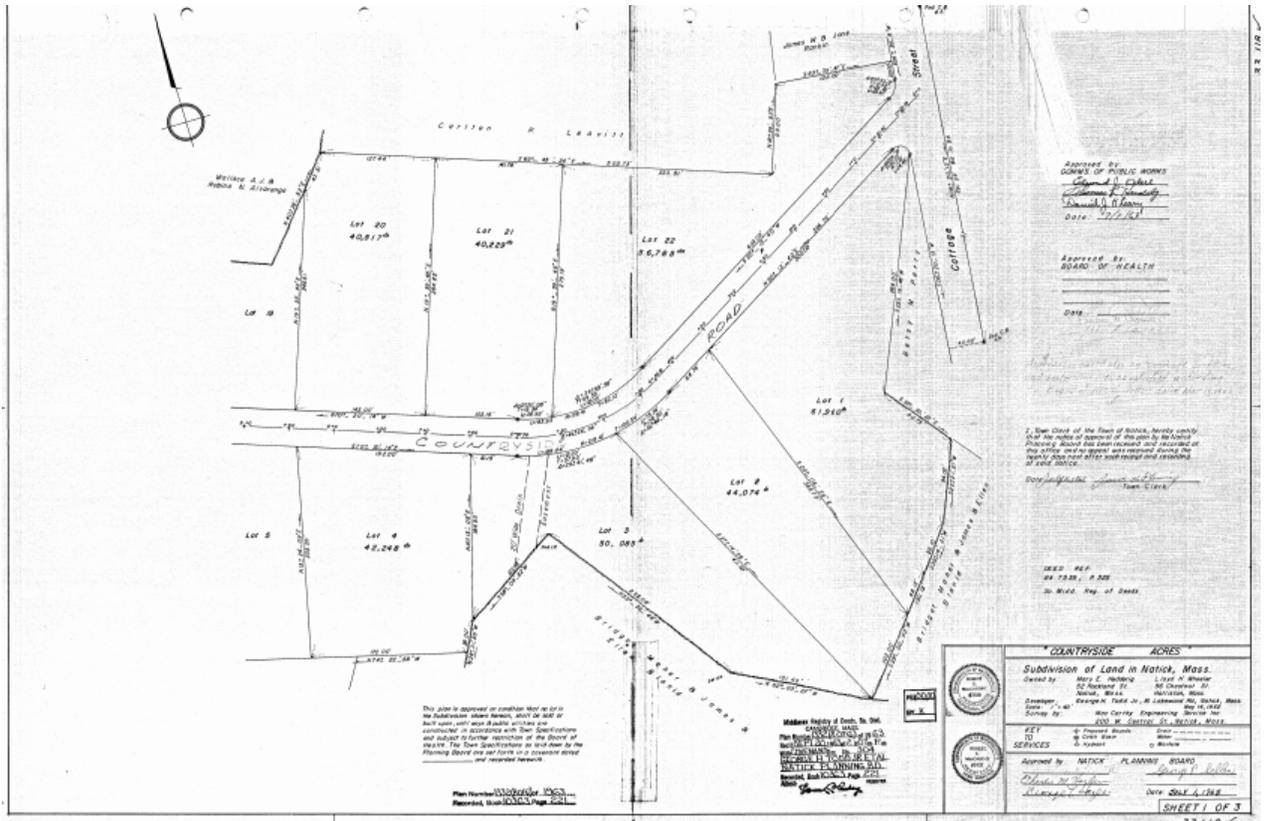
DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to accept Michael Terrace as a public way, and any appurtenant easements thereto, as laid out as shown a plan entitled "Countryside Acres, Subdivision of Land in Natick Mass," dated May 14, 1962, prepared by McCarthy Engineering Service Inc., recorded at the Middlesex (South) Registry of Deeds as Plan Number 1332 of 1963, Book 10,363, Page 221; and further, that the Town authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Michael Terrace, and any appurtenant drainage, utility or other easements related to said Michael Terrace and/or to accept grants thereof; and further, to appropriate the sum of \$1000 from Free Cash for the purposes of this article; and further, to authorize the Board of Selectmen and other applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; meaning and intending to accept the remainder of Michael Terrace, such that the entirety of this named road is accepted by the Town as a public way; and to take all action necessary or appropriate to accomplish the purposes of this article.

Other Information

Maps related to the article. These maps are for reference purposes only.



End of Article

ARTICLE 17
Street Acceptance – Clearview Drive
(Board of Selectmen)

Article Language

To see if the Town will vote to accept Clearview Drive as a public way, and any appurtenant easements thereto, as laid out as shown a plan entitled “Revised plan of Eliot Acres Plan of Land in Natick Mass. “ dated September 26, 1966, Prepared by McCarthy Engineering Services, recorded at the Middlesex (South) Registry of Deeds as plan Number 1308(A of 2) of 1966, Book 11245, Last page; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Clearview Drive, and any appurtenant drainage, utility or other easements related to said Eliot Hill Road and/or to accept grants thereof; and further to authorize the Board of Selectmen and other Applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; Meaning and intending to accept the remainder of Clearview Drive, such that the entirety of this named road is accepted by the Town as a public way, or otherwise act thereon.

Purpose of The Article

Street acceptance for Clearview Drive.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

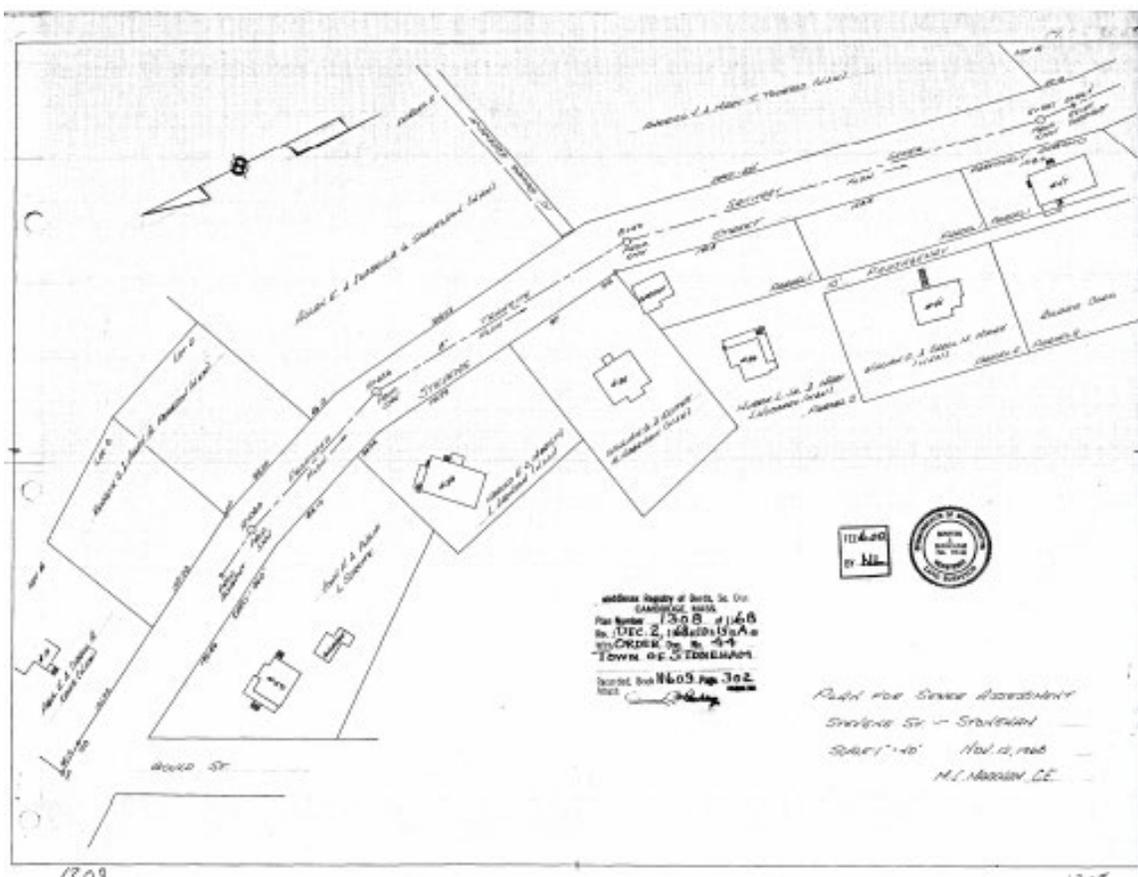
MOTION
Requires a Majority Vote

Move that the Town will vote to accept Clearview Drive as a public way, and any appurtenant easements thereto, as laid out as shown a plan entitled “Revised Plan of

Eliot Acres Plan of Land in Natick Mass.” dated September 26, 1966, prepared by McCarthy Engineering Services, recorded at the Middlesex (South) Registry of Deeds as Plan Number 1308 (A of 2) of 1966, Book 11,245, Last page; and further, that the Town authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Clearview Drive, and any appurtenant drainage, utility or other easements related to said Clearview Drive and/or to accept grants thereof; and further, to appropriate the sum of \$1000 from Free Cash for the purposes of this article; and further, to authorize the Board of Selectmen and other applicable Town of Natick Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; Meaning and intending to accept the remainder of Clearview Drive, such that the entirety of this named road is accepted by the Town as a public way; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

A map for reference.



End of Article

ARTICLE 18
Amend Article 70 of the Town of Natick By-Laws: Public Works Regulations
(Board of Selectmen)

Article Language

To see whether the Town will vote to amend Article 70 of the Town of Natick By-Laws as follows:

1. Remove the second, third and fourth paragraph of Section 6
2. Insert new Section 8 with the wording:

“Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required, and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this By-Law.”

Article 70 Public Works Regulations
Section 6 Betterments

Whenever betterments are assessed in connection with a public way, the entire cost of the construction of streets on said ways shall be assessed to the abutters and one-half (1/2) of the costs of construction of sidewalks shall be assessed to the abutters, provided, however, that this section shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

~~The Director of Public Works may make repairs to private ways providing that an Annual or Special Town Meeting determines that the repairs are required by public necessity and convenience and a majority of the abutters petition for such repairs to be made and that the way has been open to public use for a period of six (6) years. Such repairs shall include the installation and construction of drainage if necessary, and the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as or similar to those used for existing surfaces of such ways but may include surfacing the ways with bituminous materials including but not limited to bituminous concrete.~~

~~The Town Administrator shall assess betterment's upon the owners of estates which derive particular advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter 80 of the General Laws, as amended, relating to public improvements and assessments thereof shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than five hundred dollars (\$500.00) shall be apportioned and no assessment may be apportioned into more than twenty (20) portions. The Town shall not be liable on account of any damage caused by such repairs.~~

..... (Retain Section 7)

Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way.

However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies

issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this By-Law, or otherwise act thereon.

Purpose of The Article

The intent of this article is to determine how the town deals with unaccepted roads (also known as private ways). Article 18 is part of a larger approach of how the DPW services unaccepted roads in the Town and seeks to update the town bylaws pursuant to authority provided to towns in MGL c. 40, §6N that allows towns to achieve a measure of liability protection that Natick doesn't have current in the existing bylaws.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to amend Article 70 of the Town of Natick Bylaws as follows:

- 1. Remove the second, third and fourth paragraph of Section 6; and,**
- 2. Insert new Section 8 with the wording:**

“Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this Bylaw.

Information Provided by the Sponsor

Article 18 is part of a larger discussion of how the DPW services unaccepted roads, and this is phase one of the plan and seeks to update the town bylaws pursuant to authority provided to towns to in MGL c. 40, §6N that allows towns to achieve a measure of liability protection which Natick doesn't have in the existing bylaws. At the same time, it will allow for better conformity with town DPW practices. The Board of Selectmen considers this a “best practice” in terms of mitigating the town’s liability in how DPW works on unaccepted roads.

The sponsors noted that this Article would update Article 70 of the town bylaws and is a cleanup item that is the starting point to formalize current DPW practice. Natick has about 26 miles of unaccepted roadways and 128 miles of accepted roadways. The town’s annual practice has been to repair unaccepted roadways – potholes and curb repairs due to plowing. The town plows both unaccepted and accepted roads. In researching this article, the sponsors noted that the town did not accept MGL c. 40, §6N that allows temporary repairs to unaccepted roads or private ways.

Each year, DPW makes a strong effort to fill potholes on all roads. There is a fairly comprehensive presentation on the town web site under Public Works Engineering

Division regarding private ways and includes details on this bylaw. Also, on the web site is a listing of accepted / unaccepted roadways that is updated annually by the Town Clerk in concert with the Engineering Division of DPW.

This article removes the 2nd, 3rd, and 4th paragraphs in Article 70 § 6 “Public Works Regulations”. These paragraphs are in conflict with current DPW practice and would insert a new § 8 titled “Private Ways” that specifies that the DPW would provide snow removal, remove barriers on order of the Police or Fire Chief, at the expense of the owner the private way, and determine the scope of temporary repairs to private ways and then complete such repairs .

Should this Article pass, the Board of Selectmen would create a policy that would have more detail as to how this bylaw would be put in force. DPW has provided a draft of such a policy and the Board of Selectmen will review it in a public hearing.

If Town Meeting enacts the changes contemplated under this article the Town will be in similar alignment based on neighboring communities that have successfully changed their bylaws.

The Commonwealth of Mass. has a classification of private ways open for public use (a through roadway) that has a higher classification than a private way that’s not open for public use. Another benefit to this Article is moving away from the term unaccepted road to private way.

Information and Discussion of the Finance Committee

The committee asked questions, received information and gathered answers to a series of questions including:

- What’s the difference is between an unaccepted street and a private way.
 - The terms are frequently used interchangeably. In general, a private way is considered to be designed to be a private way “forever” and an unaccepted road is a road that is planned to be an accepted roadway but the formal process of road acceptance has not taken place. By definition, private ways are not owned by the town.
- What the current policy for snow removal on private ways is.
 - All private ways are on the plow list. Best practices are to have a list of private ways that is reviewed by the roadway commissioners (in Natick, this is the Board of Selectmen).
- Are there any private ways that are in such poor shape that temporary repairs are not completed.
 - There have been no instances of private ways not receiving temporary repairs during his tenure with the town.
- Could the owners of a private way could request that the town re-pave their private way.
 - Owners could petition the town for betterment to the roadway or sidewalks or draining and the owners would fund this, with the town helping finance it at

reduced or low-cost interest. Generally, private ways looking for these betterments would also petition to become an accepted roadway.

- What's the mechanism is for private way owner(s) to determine the cost of the betterment.
 - The DPW Engineering Division could assist with estimating the cost.
- Is it possible the town would net any additional Chapter 90 moneys by adopting this provision.
 - No. It would only increase if the private way goes through the road acceptance process and is approved by the Board of Selectmen.
- Can police can issue tickets for blocking the street during a snow emergency.
 - The traffic rules that the Board of Selectmen have adopted and update occasionally apply to accepted roadways only. These rules do apply to private roadways that are open to public use and are through streets. However, a dead end street, for example, would not be subject to these rules.
- It was asked if the process for assessing betterments was being deleted and the member wanted to ensure that there's still a process in place to assess betterments.
 - The Town removed the process for assessing betterments for temporary repairs only. MGL governs the process for betterments (MGL c. 40 §6) so the town doesn't need its own process.

Comments by members during deliberation of the motion included:

- It was noted that previous experience was that it would be best to not spend a disproportionate amount of time discussing private ways and services provided, and especially with the effort of town administration taking steps to make this work better.
- This bylaw change clarifies a number of things and limits the town's liability.
- It's appreciated that town administration taking on this thorny issue and hopeful that this will move forward at a rapid pace.

End of Article

ARTICLE 19
Amend Article 79A of the Town of Natick By-Laws: Stormwater Management and
Erosion Control
(Board of Selectmen)

Article Language

To see if the Town will vote to amend the existing Stormwater and Erosion Control By-Law, as codified in Article 79A of the Natick Town Bylaws, to optimize the Town's regulation of land disturbance activity, for purposes that shall include, but shall not be limited to the following: (1) the protection of local drinking water supply; (2) the reduction of stormwater runoff; (3) compliance with new Municipal Separate Storm Sewer System (MS4) regulations; (4) the preservation of natural resources; and (5) the achievement of recommendations proposed in the 2019 Natick 2030+ Master Plan, 2018 Hazard Mitigation Plan and the 2018 Community Resilience Building Report; or otherwise act thereon.

Purpose of The Article

The ultimate objectives are to protect local water resources and reduce flooding. The Town has an existing Stormwater and Erosion Control By-Law (Article 79A of the General Bylaw) that we seek to revise. Article 79A was unanimously recommended by the Finance Committee to Town Meeting and was approved at the 2006 Spring Annual Town Meeting.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Need WORD document version for formatting

Information Provided by the Sponsor

The proposed changes are in response to recommendations identified in the 2019 Natick 2030+ Master Plan, 2018 Hazard Mitigation Plan and the 2018 Community Resilience Building Report. The changes also address the requirements of the new Municipal Separate Storm Sewer System (MS4) permit. The proposed changes are not expected to have a significant impact on Natick's financials; however, they will result in additional permits and their associated fees. The Conservation Commission will establish the fee for relevant permits via the regulations it adopts to effectuate the purpose of this By-Law.

The article does not require funding and it is not expected to result in a need for additional staff.

Please see attached Appendix I for the motion. In summary, the motion proposes the following significant changes to Article 79A in the Town of Natick's General Bylaw: revisions to permit thresholds, clarifications and additions to exempt activities and the addition of a low impact development plan to the types of plans the Conservation Commission may require from applicants. Additional detail on each of these changes is provided below. Minor edits are also proposed throughout the By-Law to resolve inaccuracies with existing language (e.g., reference the MA Stormwater Standards instead of the currently referenced MA Stormwater Policy, which is not the official name) and to capitalize defined terms. While much of the language in the existing Article 79A would remain, codifying the proposed changes throughout the document require edits to every section, and Town Counsel recommends a "delete and replace" motion due to the complexity of the edits proposed.

Summary of Proposed Changes

1. Permit Thresholds

The current By-Law requires a Land Disturbance Permit only if 40,000 sq. ft of land is disturbed. As such, the Conservation Commission only reviews a handful of Land Disturbance permits each year.

The proposed motion changes the thresholds required to apply for a permit and replaces the Land Disturbance Permit with two new permits:

Minor Stormwater and Erosion Control Permit

This permit is for projects that meet one or more of the following criteria:

- ✓ Result in a Land Disturbance greater than 3,000 square feet, but not exceeding 20,000 square feet.
- ✓ The construction of a new drainage facility or the alteration of an existing drainage facility greater than 3,000 square feet, but not exceeding 20,000 square feet.

- ✓ The addition, on-site redistribution or export of greater than or equal to 500 cubic yards, but not exceeding 750 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

Minor permits would be reviewed and approved by the Conservation Commission's Designated Agent and would not be subject to a public hearing. If the applicant disagreed with the Agent's decision, he/she would have the opportunity to appeal a permit denial to the Conservation Commission in a public hearing. For perspective, 3,000 square feet of land disturbance is typical for the construction of a new house, but extremely unusual for an addition. As such, staff estimate the addition of this permit would result in approximately 30 Minor Stormwater and Erosion Control Permit applications each year.

Major Stormwater and Erosion Control Permit

This permit is for projects that exceed the criteria defined for Minor Permits. Projects that are subject to a Major Permit would follow a similar process as projects subject to the current By-Law. The Conservation Commission would be responsible for reviewing the application and making a decision, in conjunction with a public hearing. Because the proposed changes to the By-Law exempt projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions, the expectation is that this motion will result in very few additional Major Permits.

2. Clarity and Addition of Exempt Activities

The proposed By-Law would require best management practices (BMPs) are followed for all projects and add exemptions for:

- The reconstruction of a single-family home within the current building footprint
- Logging in accordance with Dept of Conservation and Recreation Forest Cutting Plans
- Repair or replacement of damaged roofs
- The maintenance or reconstruction of any public way, in accordance with Town policy developed by the Natick Board of Selectmen and Conservation Commission.
- The temporary stockpiling of Soil by a landscaper, excavator, or similar commercial enterprise for reuse elsewhere, so long as BMPs are used.

3. Addition of Low Impact Development Plan

The motion proposes the addition of a Low Impact Development (LID) Plan to the list of plans the Conservation Commission may require from an applicant. This provides applicants the flexibility to incorporate LID techniques into their design and to use nature-based solutions to comply with the Commission's regulation of this By-Law.

Information and Discussion of the Finance Committee

Other Information

The cumulative impact of development in Natick, as currently regulated, is having a negative effect on local water bodies and our community's resilience. Nearly every water body in Natick is categorized as impaired by the Massachusetts Year 2016 Integrated List of Waters (a publication prepared by MassDEP related to the Clean Water Act).

The main source of pollution to these water bodies is stormwater, which flows directly into our lakes and rivers, untreated. Without proper regulation, development will typically result in an increase in impervious surface, which results in an increase in stormwater runoff and higher stormwater peak flows. This can cause the transport of runoff containing phosphorus, pesticides, bacteria and chemicals from driveways into catch basins and straight into our waters. Coupled with rising levels of precipitation and the more frequent occurrence of high rainfall events, these higher stormwater peak flows can also increase area flooding.

At present, the Town of Natick, as led by the Conservation Commission, only regulates large development projects - those requiring more than 40,000 sq ft of land disturbance - for stormwater impacts. However, in a community that is largely built out, few projects meet that threshold, and, since Article 79A went into effect in 2006, less than 50 projects have required the Conservation Commission's review.

Indeed, only 10% of private parcels located in Natick are more than 40,000 sq. ft in size, meaning 90% of parcels are not subject to the Conservation Commission's stormwater regulations.

A more meaningful summary of this challenge becomes clear when parcels are categorized by their 'stormwater watershed' or the water body the nearest catch basin drains into. An analysis of Dug Pond, home to the Town's only public beach, finds that only 3% of private properties have the minimum space required to potentially meet Article 79A's threshold.

The takeaway? Natick's current regulations do not effectively protect Dug Pond, Lake Cochituate, the Charles River and our other local water bodies and lower thresholds are needed.

Updating our stormwater regulations to include a threshold that is more in line with our level of development is also consistent with the approach other communities are taking. A review of area stormwater bylaws found that every community treats stormwater differently. However, a correlation exists between land disturbance thresholds and a community's level of development, as illustrated in the below table.

Community	Level of Development	Land Disturbance Threshold
Charlton	Low	43,560 sq ft
Franklin	Low	40,000 sq ft
Holliston	Low/Medium	10,000 sq ft
Hopkinton	Low	10,000 sq ft
Burlington	Medium	10,000 sq ft
Acton	Low/Medium	5,000 sq ft
Dedham	Medium	500 sq ft
Newton	High	400 sq ft

Given Natick’s highly developed nature, it makes sense for the Town to adopt regulations that optimize the Conservation Commission’s ability to regulate projects that result in a significant disturbance of land (e.g., the clearing of land for the construction of a new home) and take a more comprehensive and thoughtful approach to managing stormwater impacts. This is in line with communities that are like Natick in size and level of development.

The proposed changes will also update Natick’s regulations to reflect changing Federal regulations, such as the new Municipal Separate Storm Sewer System (MS4) permit and will encourage the adoption of Low Impact Development (LID) techniques by providing a pathway to increase infiltration via nature-based solutions.

End of Article

ARTICLE 20
Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel
(Board of Selectmen)

Article Language

To see if the Town will vote to transfer from the School Committee and the Board of Selectmen to the Conservation Commission, the care, custody, management, and control of a portion of land adjoining the Kennedy Middle School, identified as 5.28 acres, located at 165 Mill Street, as shown on a Plan entitled “Town of Natick Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, Permitting Documents, Submitted to the Department of Environmental Protection” revision date February 6, 2019, portion identified on that Plan as “Potential Conservation Easement NAE-2019-01219 12-13-2018,” and available for inspection in the Board of Selectmen’s office, for the purposes of dedicating the land in perpetuity for conservation purposes and subject to the strictures and the protections of Article 97 of the Amendments to the Massachusetts Constitution, as required by the permit for File Number NAE-2019-01219, issued by the U.S. Army Corps of Engineers to the Natick School Department on April 16, 2019 ; or to take any other necessary action; or to act otherwise thereon.

Purpose of The Article

This article deals with an agreement with the Army Corp Of Engineers (ACOE) with regard to a specific parcel of land on the building site for the new Kennedy Middle School.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to transfer from the School Committee and the Board of Selectmen to the Conservation Commission, the care, custody, management, and control of a portion of land adjoining the Kennedy Middle School, identified as 5.28 acres, located at 165 Mill Street, as shown on a Plan entitled “Town of Natick Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, Permitting Documents, Submitted to the Department of Environmental Protection” revision date February 6, 2019, portion identified on that Plan as “Potential Conservation Easement NAE-2019-01219 12-13-2018,” and available for inspection in the Board of Selectmen’s office, for the purposes of dedicating the land in perpetuity for conservation purposes and subject to the strictures and the protections of Article 97 of the Amendments to the Massachusetts Constitution, as required by the permit for File Number NAE-2019-01219, issued by the U.S. Army Corps of Engineers to the Natick School Department on April 16, 2019 ; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

Town Administration stated that Article 20 deals with an agreement with the ACOE on the building site for the new Kennedy Middle School. This site does have wetlands and pursuant to law were required to consult with the ACOE. The Town has an agreement with the ACOE that was negotiated and drafted by Town Counsel and approved by ACOE. It is consistent with practices that the town has undertaken in the past. Engineers that are involved in this project have told Town and School Administration that the parcel in question under this article is not buildable property.

Information and Discussion of the Finance Committee

Questions from the Committee

- A member asked for confirmation of whether even though the wetlands area was not buildable; one could have access to property through those wetlands.
 - The Chair of the Conservation Commission said that is permissible.
- Are there any potential negative impacts from transferring this land into Conservation Commission control.
 - The Chair of the Conservation Commission stated that this is not buildable, but the question of putting the unbuildable land into permanent conservation restriction versus paying a \$132 K fee made sense. As part of the review process, public safety was consulted to ensure that all emergency access was included and they approved this plan.

- The Superintendent of Natick Public Schools added that the KMS Building Committee consulted extensively with the ACOE on this piece of property. Because this property has vernal pools on it, it was highly unlikely that we would ever be able to get ACOE permission to build on that area. The KMS Building Committee asked ACOE if the vernal pools dried up, would that make any difference. ACOE said it was very unlikely that the vernal pool would dry up and it's a lengthy process (estimated 10-20 years) after confirmation that the vernal dried up before the land would be available.
- Town Administration indicated the vernal pools are mostly to the north of this section of the lot and there is a stream that runs straight to the middle portion of the lot and runs under the parking lot.
- Does the transfer to the Conservation Commission preclude something such as underground conduits.
 - It was confirmed that it would.
- It was asked who the owners of the land are.
 - The Chair of the Conservation Commission said that it was transferred from the School Committee to the Board of Selectmen, and the article proposes transferring it to the Conservation Commission.
- It was asked how much of that land plays into the design of the new KMS.
 - The specified land is adjacent to the road that leads to Brown Elementary School. In addition to offsetting the elimination of 0.22 acres of vernal pools, it is adjacent to the power lines owned by Eversource.
 - The Superintendent added that the \$132K should be considered a fine for not putting compensatory land into conservation restriction.
- A member asked whether this requirement was just discovered.
 - Town administration indicated that it was a long-standing negotiation with the ACOE that was settled after Spring Town Meeting had ended so this is the first time that we can bring it to Town Meeting.
- A question was asked if the Conservation Commission would place any restrictions or require buffer zones for this land.
 - The Conservation Commission would not put any further restrictions other than the Article 97 requirements. There is a brook that runs through the property that may be protected as a "river". The vernal pool and the brook all have buffer zones associated with them and any work that may impact these buffer zones must be reviewed and allowed by the Conservation Commission.

Other Information of Relevance to Town Meeting

A member of the KMS Building Committee raised concerns that the approach the KMS Building Committee was taking on the subject-matter of Article 20 was incorrect. The member submitted a memo to the Building Committee stating the reasoning and concerns. A copy the letter is provided under this article.

Subsequently, members of the Finance Committee raised concerns similar to those of the Building Committee member and requested the Finance Committee evaluate the new information and put the article on the agenda for reconsideration. After evaluation the Chair placed the item on the agenda and a reconsideration vote was taken. The vote did NOT receive the quantum of vote necessary to reconsider.

Following is a “Minority” Report” representing the member(s) who voted in favor of reconsideration:

We were originally presented with two options for consideration. They were; (1) to move a portion of land associated with Kennedy Middle School construction to conservation protection under Massachusetts Article 97. (2) pay a \$132,000 fee for not placing compensatory land into conservation restriction.

During discussion a member of the FINCOM asked if there were any potential negative impacts from transferring this land into Conservation Commission control. Concerning the land, we were informed that this is not buildable, but the question of putting the unbuildable land into permanent conservation restriction versus "paying a \$132 K fee is a no-brainer". As part of the review process, public safety was consulted to ensure that all emergency access was included, and they approved this plan.

New Information made available contends;

- the ACOE permitting essentially leaves the Town with three options. (1) transfer a mitigating area of land away from school/town use to an Article 97 restricted status under the separate control of the Conservation Commission. (2) making a one-time indulgence payment in the form of a deterrent “fine” of \$132,247.36 as compensation for disturbing the vestigial drainage system. (3) presenting an alternative area/configuration of land for mitigating transfer. Further information also provided informed us that a transfer of this land to conservation status could impact FAR calculations for potential future site; (1) expansions and (2) construction site utilizations.*
- The FAR calculation materials are being double-checked again and the matter is going to come before the KMSBC on the 16th of October. That said, the info in bullet one above has not been found to be true. Therefore, the details of bullet one above represents a philosophical difference with the vote of KMSBC and SC and Karis's legal opinion, but this is not proven true by the data or an analysis of the legal guidance, definitions and town parameters.*

The new information presents two opposing positions concerning the FAR calculation and related impact. The position contending the FAR calculation is incorrect has not been definitively resolved. This is not sufficient for me to ignore

the issues raised and determine that there is no value in supporting ~~not~~ placing the land in a conservation status.

It is troubling that; (1) in our original consideration of Article 20 we were led to believe that given the fact that due to the extremely tight budget with little or no extra money available to pay the \$132,000 the best option was to move the land to Article 97 protection. (2) in subsequent FINCOM meetings we were presented with Articles for spending requests totaling over \$2 million dollars that were not in the approved extremely tight budget. We approved these requests. (3) we never were made aware that some contingency dollars associated with the Kennedy Middle School construction were deemed not required. We never discussed if those dollars could be used to pay the \$132,000 instead of placing land under Article 97.

Additional documents are included on subsequent pages

**Kennedy Middle School
Building Committee**

Memo

To: Building Committee
From: Julian Munnich
cc:
Date: September 10, 2019
Re: Fall Annual Town Meeting; Article 20

FATM Article 20 is the mechanism for the Town to transfer 5.28 acres of the Kennedy/Brown campus parcel into permanent control of the Conservation Commission under the restrictions of Article 97 of the Massachusetts Constitution. Such a transfer would cause multiple detrimental effects on the near term utility of the campus site, and would irreparably damage the Town's options for the future required development of the campus.

This issue arises from the placement of the new KMS onto several isolated wetland pockets that are the vestigial remains of engineered site drainage features that were not maintained and through negligence became list qualifying features. As such, the Mass DEP permitting process made their removal subject to Army Corps of Engineers regulation.

The ACOE permitting essentially leaves the Town with three options.

- Transfer a mitigating area of land away from school/town use to an Article 97 restricted status under the separate control of the Conservation Commission.
- Making a one-time indulgence payment in the form of a deterrent "fine" of \$132,247.36 as compensation for disturbing the vestigial drainage system.
- Presenting an alternative area/configuration of land for mitigating transfer.

Time-lines:

Developing an alternative land mitigation plan, while perhaps saving some nominal monies, is not practicable as it would harm the tight scheduling of the KMS project.

Paying the compensating amount would be an instantaneous settling of the issue, with the matter being resolved on the presentation of payment.

The voting of the transfer of land to Article 97 restriction would not take effect until the close of Town Meeting and the passage of time for certification of votes and potential appeal of Town Meeting action.

Strategic harm of transferring the land from school/town use to Article 97 restriction:

An undisputable consideration is that the Brown Elementary School will have to be replaced in the near coming decades. Furthermore; even the current new KMS project has made provision for expansion of footprint and capacity. These inevitable future demands on the capacity of the campus site are disadvantaged or rendered impossible by the following considerations.

- Strategic site expansion options eliminated.
 - The utility of, and access to, the school owned frontage and land area of 104 Hartford Street would be permanently removed from the Campus
 - The expansion potential for parking, fields, and facilities on lands of 108 Hartford Street (EverSource parcel) would be practically cut off and distanced from core school facilities. (Even the current ad hoc trail access could not be formalized and improved).
 - The school owned land at 112 Harford Street, with its strategic frontage on Mill Street would be rendered useless for school expansion options.
- Current site utilization options reduced/eliminated.
 - “Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed” (Article XCVII)
 - Under zoning the maximum Floor Area Ratio for the site is 0.17
 - The current Kennedy/Brown Campus is 35.2 acres (1,533,312 s.f.) which at 0.17 FAR enables 260,663 s.f. of construction
 - The transfer of 5.28 acres (229,997 s.f.) would reduce the permissible build-out construction by 39,099 s.f. to a new limit of 221,564 s.f.
 - Subject to an audit of space utilization; the proposed transfer of land may even put the current building project into violation of zoning and the terms of its permitted Site Plan

In light of; the multiple considerations of project time-line, strategic site flexibility considerations, protecting maximum site build-out, and avoiding placing the project into violation of zoning; it is recommended that the Building Committee implement the payment of \$132,247.36.

The preferred option for Town Meeting action on Article 20 is “Referral of the subject matter of Article 20 to the Kennedy Middle School Building Committee”.

Re: follow up items for upcoming fin com meetings

Inbox



Nolin, Anna

Wed, Sep 25, 8:36
PM (5 days ago)

to me, Stephanie, Anna

Hi there,

So glad we talked....Yes, the letter from Julian was shared with us but we met with Bill, Melissa, Karis, Jonathan Freedman, Steve Meyler, chair and KMS BC members, Terri from planning board, the architects, the conservation commission, and Julian last week. The FAR calculation materials are being double-checked again and the matter is going to come before the KMSBC on the 16th. That said, the info Julian has cited has not been found to be true. Therefore, he has a philosophical difference with the vote of KMSBC and SC and Karis's legal opinion, but this is not proven true by the data or an analysis of the legal guidance, definitions and town parameters. I am triple checking all the data and coming to the board of authority--KMSBC and then, if anything changes, I have to go to SC and then back to fin com...but at this time, no new information, just a new opinion (Julian's). I should note that Julian expressed all of this to KMSBC at a few meetings, but this new piece on the FAR calculation just came up in the recent meetings after Julian's absence from meetings for a while. While Julian is the minority report, we have heard him out and I believe he has felt respected and heard. However, he does not represent the opinion of the board of authority at least at this time. I'll be there for both nights to help and explain. If you have further guidance for me, as ever, I am grateful.

Anna

Anna P. Nolin, Ed.D.

Superintendent of Schools

The secret of change is to focus all of your energy, not on fighting the old, but on building the new. – Socrates

Natick Public Schools

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508-647-6500, ext 0

13 E. Central Street

Natick, MA 01760



Fwd: Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School

1 message

Patrick Hayes <phayes.fincom@natickma.org>

Mon, Sep 9, 2019 at 12:37

To: Linda Wollschlager <lwollschlager.fincom@natickma.org>, Bruce Evans <bevans.fincom@natickma.org>

FYI

Sent from my iPhone

Begin forwarded message:

From: Karis North <knorth@mhtl.com>

Date: September 9, 2019 at 4:37:09 PM GMT+2

To: Michael Hickey <mhickey@natickma.org>, "mmalone@natickma.org" <mmalone@natickma.org>, Patrick Hayes <phayes.fincom@natickma.org>

Subject: Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School

Mike/Melissa/Patrick - I am attaching for your information the Army Corps of Engineers permit for the KMS project, which makes a condition of that permit approval the transfer of 5.28 acres of land (as set forth in the attached plan) to the Natick Conservation Commission, subject to Article 97. The protection of the 5.28 acres is required mitigation for the permanent filling of 0.22 acres of palustrine forested wetland. After Town Meeting approval, the Town Meeting vote must be recorded within 60 days, to make the protections official and consistent with Article 97 and the applicable case law. The land is currently held by the Town, through the Board of Selectmen and the School Committee (it is part of two separate parcels).

If the transfer is not approved at this Town Meeting, the Town must inform the Corsep within 30 day, and make a payment of \$132,247.36 (or may propose alternative mitigation).

This permit condition was negotiated with the Corps, in lieu of placing a Conservation Restriction (CR) on the 5.28 acres, because such a restriction would have been expensive as a third party would have been the holder of the restriction, and would have required some payment for the Town for so doing. This transfer is intended as a permanent protection of the 5.28 acre parcel, in a similar fashion as a CR. My memo to the Corps, which is included within the permit, explains the legal underpinnings for the process.

Please let me know if you have any questions, or require further information in considering this article. As mentioned to Mike, I am not available to participate in the meeting tomorrow night, but happy to answer any questions in advance.

Thanks,
KLN

Karis L. North
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive
Quincy, MA 02169
Tel.: 617.479.5000
Direct Dial: 617.691.1948
Fax: 617.479.6469
knorth@mhtl.com

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NAE-2018-01219 Permit to E-mail.pdf

2 MB



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 16, 2019

Regulatory Division
File Number: NAE-2018-01219

Town of Natick School Department
Anna Nolin
13 East Central Street
Natick, Massachusetts 01760

Dear Ms. Nolin:

We have reviewed your application to place 9,632 square feet (0.22 acre) of permanent fill in palustrine forested wetlands and to place 1,535 square feet (0.04 acre) of temporary fill in palustrine forested wetlands associated with the construction of a new J. F. Kennedy Middle School. This project is located in waters and wetlands associated with Beaver Brook at 165 Mill Street in Natick, Massachusetts. The work is shown on the enclosed plans entitled "TOWN OF NATICK KENNEDY MIDDLE SCHOOL 165 MILL STREET NATICK MASSACHUSETTS PERMITTING DOCUMENTS Submitted to the: Department of Environmental Protection", on 66 sheets, and with a revised date of "February 6, 2019" and the mitigation area to be preserved is shown on the enclosed plan entitled "POTENTIAL CONSERVATION EASEMENT NAE-2018-01219 12-13-2018."

Based on the information you have provided, we have determined that the proposed activity, which includes work and/or a discharge of dredged or fill material into waters of the United States, including wetlands, will have only minimal individual or cumulative environmental impacts. Therefore, this work is authorized under the enclosed April 2018 Massachusetts General Permits (MA GPs), specifically GP 8 and GP10, under the pre-construction notification process. This work must be performed in accordance with the terms and conditions of the GPs and also in compliance with the following special conditions:

1. In order to mitigate for the unavoidable permanent impacts to 0.22 acre of palustrine forested wetlands, the permittee shall preserve 5.28 acres of land on the western side of the project vicinity. The area to be preserved contains vernal pools, wetlands, and uplands and is shown in red hatching on the enclosed plan entitled "POTENTIAL CONSERVATION EASEMENT NAE-2018-01219 12-13-2018."
2. The 5.28 acres of land shall be placed under the protections of Article 97 of the Amendments to the Massachusetts Constitution as described in the enclosed letter submitted by Karis North of Murphy Hesse Toomey & Lehane LLP on March 15, 2019. A two-step process will be involved. First the land shall be transferred to the care, custody and control of the Natick Conservation Commission for conservation purposes and subject to the strictures of Article 97 by the affirmative vote of the Natick Town Meeting. This step shall occur at Natick's 2019 Fall

Town Meeting. The second step shall be recording the affirmative Town Meeting vote with the existing deeds- and subject to certain restrictions on the use of the property- at the Middlesex South Registry of Deeds.

3. Restrictions on the use of the 5.28 acre mitigation area shall be recorded with the affirmative meeting vote and existing deeds and are enumerated in the enclosed document entitled "NAE-2018-01219 Restrictions to be placed over the 5.28 acre Mitigation Site." Any use of the mitigation area that conflicts with these restrictions must obtain any needed approvals subject to Article 97 but will also require prior written consent from the Army Corps of Engineers. Note that any future approved use of the mitigation site that conflicts with the conservation goals and restrictions may be considered a loss of mitigation and therefore may result in a requirement for alternative replacement mitigation.

4. Within 60 days of an affirmative town meeting vote, the town shall submit documentation of recordation along with the list of restrictions to this office.

5. Should the 2019 Fall Town Meeting vote to subject the 5.28 acres of mitigation to the strictures of Article 97 fail, alternative mitigation will be required to offset the project impacts and may consist of an in-lieu fee payment of \$132,247.36. The town shall contact this office within 30 days of a failed vote with an alternative mitigation proposal.

6. The 5.28 acre preservation area shall be marked by permanent signs or by an equivalent, permanent marking system designating the area a protected area.

7. In order to attempt to deter vernal pool species from entering the new parking lot, a series of logs will be placed end to end along a portion of the edge of the wooded boundary of the preservation parcel. The proposed work is shown on sheets C2.2 and C6.7 of the plan set referenced above.

8. All wetlands that are not proposed to be impacted but that occur within 50 feet of proposed site work should be clearly marked with wetland flagging before site work begins.

9. The 0.04 acre of wetlands temporarily impacted for the temporary access parking in Phase 1 will be restored as soon as the temporary access parking is no longer needed. Wetland restoration will consist of removing the fill and restoring the wetland to pre-existing grades, seeding the wetland with an approved wetland seed mix, and installing plantings. **The proposed wetland seed mix and planting plan shall be submitted for Corps approval within 60 days of permit issuance.**

10. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.

11. You must complete and return the enclosed Compliance Certification Form to this office within one month of completion of all authorized work.

You are responsible for complying with all of the GPs' requirements. Please review the enclosed GPs carefully, in particular the general conditions beginning on Page 19, to be sure that you understand its requirements. You should ensure that whoever does the work fully understands the requirements and that a copy of the GPs and this authorization letter are at the project site throughout the time the work is underway.

This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization becomes valid only after the Massachusetts Department of Environmental Protection (MassDEP) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the MassDEP denies the 401 WQC, this determination becomes null and void.

This authorization expires on April 5, 2023, unless it is modified, suspended, or revoked before then. You must commence or have under contract to commence the work authorized herein by April 5, 2023 and complete the work by April 5, 2024. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss a time extension or permit reissuance. Please contact us immediately to discuss modification of this authorization if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please contact Ruthann Brien of my staff at ruthann.a.brien@usace.army.mil or at (978) 318-8054 if you have any questions.

Sincerely,



Barbara Newman
Chief, Permits & Enforcement Branch A
Regulatory Division

Enclosures

cc:

Briscoe Lang, Pare Corporation, Lincoln, RI; blang@parecorp.com

Ed Reiner, U.S. EPA, Region 1, Boston, MA; reiner.ed@epa.gov

David Simmons, USFWS; david_simmons@fws.gov

Pam Merrill, DEP NERO, Wetland and Waterways, Wilmington, MA;
pamela.merrill@state.ma.us

Natick Conservation Commission; vparsons@natickma.org

NAE-2018-01219 Restrictions to be placed over the 5.28 acre Mitigation Site:

1. In reference to the 5.28 acre mitigation area for NAE-2018-1219 Kennedy Middle School:
 - a. there shall be no placement of fill material or installation of temporary or permanent roads;
 - b. there shall be no placing, storing, or dumping of soil, refuse, trash, or debris
 - c. there shall be no commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to: signs, billboards, other advertising material, or other structures placed on the mitigation site;
 - d. there shall be no removal or destruction of trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals or other material except with the exception of managing vegetation to control invasive species or to prune dead limbs for safety purposes;
 - e. there shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as necessary to manage vegetation to control invasive species;
 - f. there shall be no application of insecticides or herbicides except to control invasive species;
 - g. there shall be no grazing or keeping of cattle, sheep, horses or other livestock;
 - h. there shall be no hunting or trapping;
 - i. there shall be no utility line structures placed, including but not limited to: telephone or other communication line structures, electrical line structures, or gas, water or sewer lines;



MURPHY HESSE
TOOMEY & LEHANE LLP

Attorneys at Law

Karis L. North
knorth@mhtl.com

March 15, 2019

VIA EMAIL ONLY

kiersten.e.haugen@usace.army.mil

Kiersten Haugen, Esq.
USACE New England District
696 Virginia Road
Concord, MA 01742

Re: Town of Natick – Kennedy School

Dear Attorney Haugen:

Per our discussion last week concerning the Town of Natick’s Kennedy School Building project, I am providing the following information concerning the Article 97 protection of the vernal pools, which is on two parcels adjacent to the building site, currently owned by the Town of Natick (“the vernal pool parcels”).

Article 97 of the Amendments to the Massachusetts Constitution provides in part:

“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose...Land and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.”

Land which is subject to the protections of Article 97 is subject to an EOEI Article 97 Land Disposition Policy, dated February 19, 1998 (“the Policy”). The Policy states: “Accordingly, as a general rule, EOEI and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of this policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions.”

300 Crown Colony Drive, Suite 410 | Quincy, Massachusetts 02169 | T 617.479.5000 | F 617.479.6469

Boston | Springfield | info@mhtl.com | www.mhtl.com

Kiersten Haugen, Esq.
March 15, 2019
Page 2

The Policy defines an Article 97 land disposition is defined as:

a) any transfer or conveyance of ownership or other interests; b) any change in physical or legal control; and c) any change in use, in and to Article 97 land or interests in Article 97 land owned or held by the Commonwealth or its political subdivisions, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency's mission, as determined by the controlling agency, occurs thereby.

Where municipal land subject to Article 97 is to be disposed of, in order to effectuate any disposition, the municipality must seek unanimous approval of the Conservation Commission, 2/3 approval of Town Meeting, 2/3 approval of the Legislature, and comply with the Policy, which includes notification to EOEA.

Thus, in order to subject the land to Article 97 protections, which disposition would require compliance with the Policy, "[f]or land to be subject to the two-thirds vote requirement on disposition or use for other purposes, it must be 'taken or acquired for (the) purpose' of protecting interests covered by art. 97." Mahajan v. Department of Environmental Protection, 464 Mass 604, 615, 616 (2013).

Where land is held by a town, to make it subject to the Policy and the restrictions of Article 97, a two-step process is required. First, the land must be transferred to the care, custody, and control of the Natick Conservation Commission for conservation purposes and explicitly subject to the strictures of Article 97, by a vote of the Natick Town Meeting. The vote of Town Meeting would explicitly state that the transfer to the Natick Conservation Commission was to subject the land to the restrictions of Article 97.

In addition, that restriction would have to be recorded, so that it becomes "specifically designated for conservation purposes in the first instance" and is held by the Conservation Commission for the specific purposes of coming within Article 97. Recording the Town Meeting vote with the already existing deeds is sufficient recording to meet the requirement of Article 97, as set forth by the SJC in Mahajan.

Therefore, in order to protect the two parcels, Natick recommends that the ACOE approve this above-explained approach, and as a condition of the Army Corps of Engineers ("ACOE") permit for the Kennedy School project, require that such parcels be put into conservation, at the next scheduled annual town meeting, which would be Natick's 2019 Fall Town meeting. Following an affirmative Town Meeting vote, those votes would be recorded at the Middlesex South Registry of Deeds. These two actions would meet the requirement in Mahajan, and would protect the Parcels in accord with the permitting requirements of the ACOE.

Kiersten Haugen, Esq.
March 15, 2019
Page 3

Please contact me with any questions or concerns.

Sincerely,

/s/ KLN

Karis L. North



**US Army Corps
of Engineers** ®
New England District

WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

 * EMAIL TO: cenac-r@usace.army.mil; or *
 * * * * *
 * MAIL TO: Tina Chaisson *
 * U.S. Army Corps of Engineers, New England District *
 * Permits and Enforcement Branch A *
 * Regulatory Division *
 * 696 Virginia Road *
 * Concord, Massachusetts 01742-2751 *

Corps of Engineers Permit No. NAE-2018-01219 was issued to the Town of Natick School Department. This work authorized 9,632 square feet of permanent fill and 1,535 square feet of temporary fill in conjunction with the building of a new Kennedy Middle School on property at 165 Mill Street in Natick, MA

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Numbers: () _____ () _____

Proposed Work Dates: Start: _____ Finish: _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: April 16, 2019 **Date Permit Expires:** April 5, 2023

FOR USE BY THE CORPS OF ENGINEERS

PM: Ruthann Brien **Submittals Required:** _____

Inspection Recommendation: _____



**US Army Corps
of Engineers**®
New England District

COMPLIANCE CERTIFICATION FORM
(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

Permit Number: NAE-2018-01219
Project Manager: Ruthann Brien
Name of Permittee: Town of Natick School Department
Permit Issuance Date: April 16, 2019

Please sign this certification and return it to our office upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

```

*****
* E-MAIL TO:  cenae-r@usace.army.mil; or
*
* MAIL TO:    Permits and Enforcement Branch A
*             U.S. Army Corps of Engineers, New England District
*             Regulatory Division
*             696 Virginia Road
*             Concord, Massachusetts 01742-2751
*****

```

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number



508 Boston Post Rd
Weymouth, MA 02189
508.335.0790
www.ai3architects.com

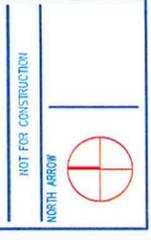


400 Libbey Parkway
Weymouth, MA 02189
Main: 781.952.6000
VERTENG.COM



KENNEDY MIDDLE SCHOOL
165 MILL STREET
NATICK, MA 01760

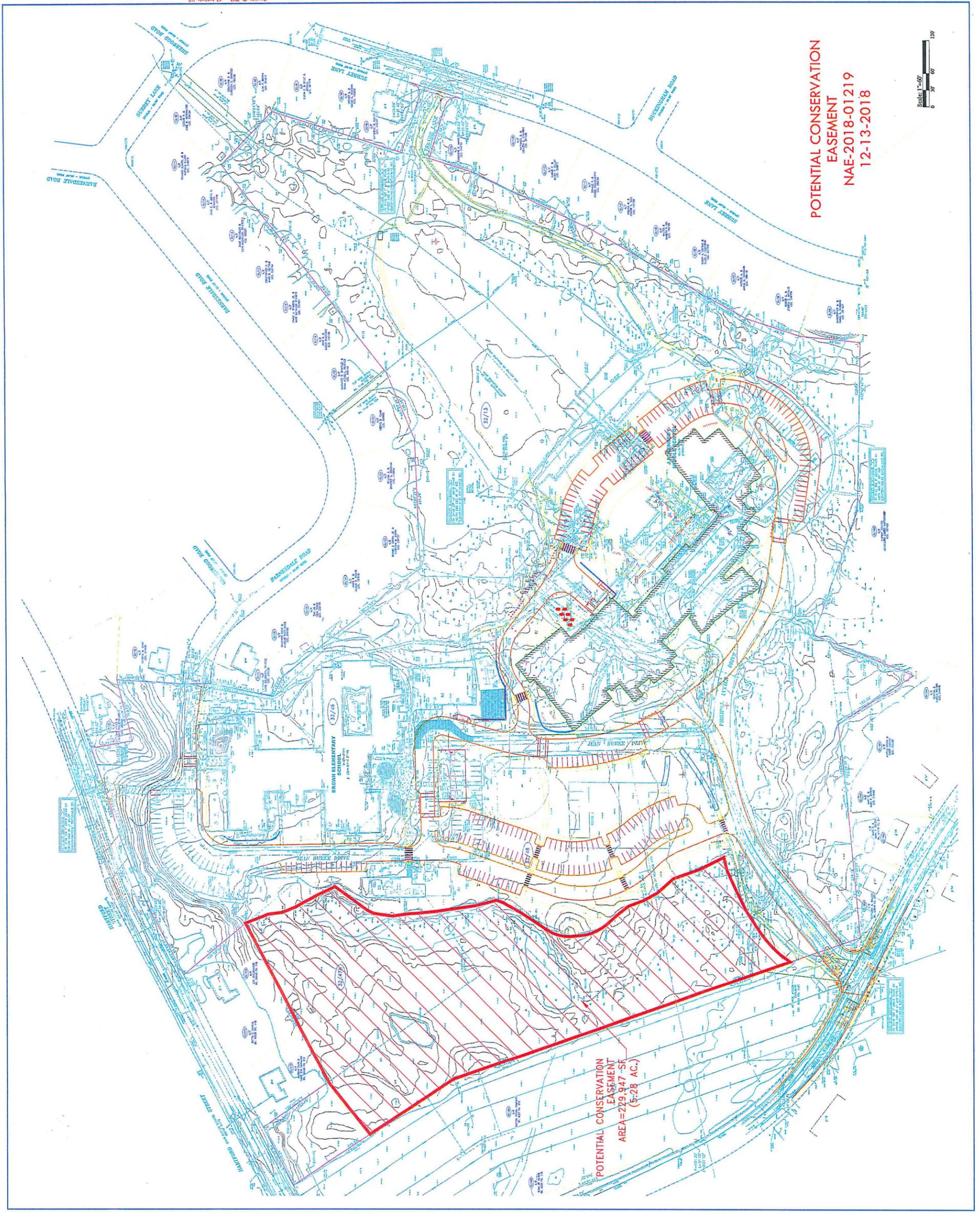
KENNOTE LEGEND:



REPLAN

DRAWING NAME:	
DRAWN BY:	AMB
REVIEWED BY:	BL
SCALE:	AS NOTED
JOB NO.:	1005.001
DATE:	DEC. 13, 2018

FIG.1



POTENTIAL CONSERVATION
EASEMENT
NAE-2018-01219
12-13-2018



POTENTIAL CONSERVATION
EASEMENT
AREA=229,947-SF
(5.28 AC.)

This is the last page for Article 20

End of Article

ARTICLE 21
West Natick Fire Station Signal Controls
(Board of Selectmen)

Article Language

To see if the Town will vote, subject and pursuant to General Laws Chapter 40, Section 3, Section 4, and Section 15, and any other enabling law, to authorize the Board of Selectmen to release and convey all right, title and interest held by the Town, to the Commonwealth of Massachusetts Department of Transportation, on such terms and conditions, which may be nominal consideration, as the Board of Selectmen deems appropriate, of a portion of certain Town property located at 268 Speen Street for a shared use walkway for pedestrian travel to be located within the state highway layout , or otherwise act thereon.

Purpose of The Article

To authorize the Board of Selectmen to release and convey all right, title and interest held by the Town, to the Commonwealth of Massachusetts Department of Transportation, for a portion of Town property located at 268 Speen Street for a shared use walkway for pedestrian travel to be located within the state highway layout. This is related to the West Natick Fire Station building project.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 17, 2019**

MOTION

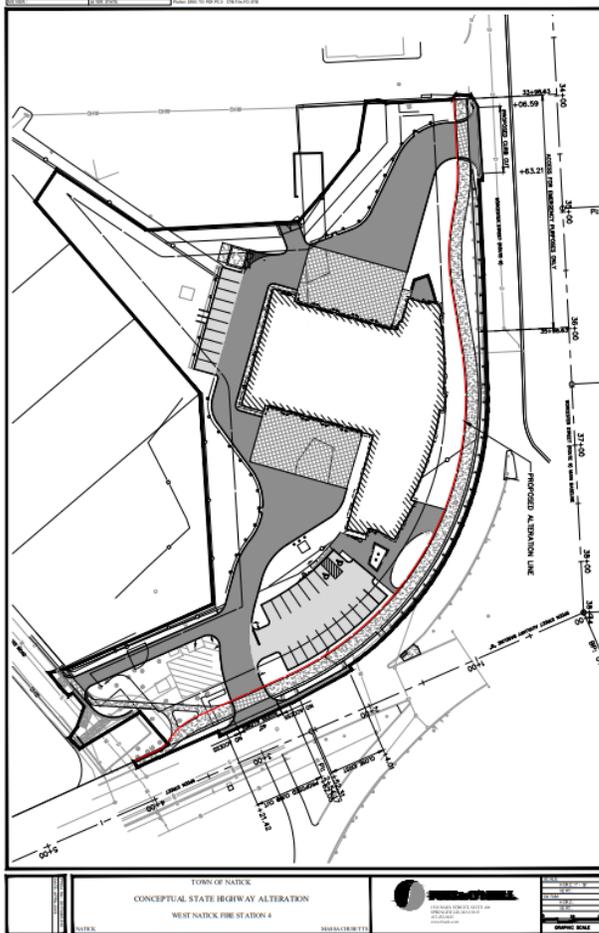
Requires a Majority Vote

Move that the Town vote, subject and pursuant to General Laws Chapter 40, Section 3, Section 4, and Section 15, and any other enabling law, to authorize the Board of Selectmen to release and convey all right, title and interest held by the Town, to the Commonwealth of Massachusetts Department of Transportation, on such terms and conditions, which may be nominal consideration, as the Board of Selectmen deems appropriate, of a portion of certain Town property located at 268 Speen Street for a shared use walkway for pedestrian travel to be located within the

state highway layout; the portion to be discharged will not exceed 0.35 acre and is to be located one (1) foot from the innermost side of the shared use walkway that travels along the Route 9 off-ramp; and to take all action necessary or appropriate to accomplish the purposes of this article

Other Information

Maps related to the article. These maps are for reference purposes only.



End of Article

ARTICLE 22
Amend Article 20 of the Natick Town Bylaws
(Board of Selectmen)

Article Language

To see if the Town will vote to amend the chart entitled “MULTIPLE MEMBER BODY APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR” set forth in Article 20, section 5, of the Natick Town Bylaws, to be consistent with the Massachusetts General Laws, by striking the phrase “Commission on Disability”, or otherwise act thereon.

Purpose of The Article

Article 22 pertains to multi-member bodies appointed by the Town Administrator as set forth in the town bylaws and deals specifically with the Commission on Disability.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION

Requires a Majority Vote

Move that the Town vote to amend the chart entitled “MULTIPLE MEMBER BODY APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR” set forth in Article 20, section 5, of the Natick Town Bylaws, to be consistent with the Massachusetts General Laws, by striking the entry “Commission on Disability” such that the entire line is removed from the chart; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

Article 22 pertains to multi-member bodies appointed by the Town Administrator as set forth in the town bylaws and deals specifically with the Commission on Disability. The town has experienced problems attracting and retaining volunteers and during the process of soliciting volunteers for the Commission on Disability, it was noted that its members were appointed by the Town Administrator whereas state statute indicates that the Board of Selectmen can make these appointments. The town researched why this quirk existed and found no basis for it being exceptional, so the Board of Selectmen sponsored this article to eliminate this exception.

Information and Discussion of the Finance Committee

- A member noted that the motion only specified deletion and requested confirmation that this is due to the state law providing this authority to the Board of Selectmen.
 - The BoS representative confirmed this.
- A different member asked whether this would pose any problems with volunteers appointed by the Town Administrator.
 - The BoS representative said he did not believe so because the Town Administrator would name candidates and the Board of Selectmen would affirm them.

Other Information of Relevance to Town Meeting

None.

End of Article

ARTICLE 23
Alteration of Layout of North Main Street (Route 27) and Adjacent Streets
(Board of Selectmen)

Article Language

To see if the Town will vote to accept as a public way the altered layout of North Main Street (Route 27) and adjacent streets thereto, to include within the layout of North Main Street and adjacent streets certain fee interests and permanent easements as shown on a plan entitled "Layout Alteration Route 27 Roadway Improvements North Main Street Natick, Massachusetts," dated April 2, 2019, prepared by Lighthouse Land Surveying, LLC, as said plan may be amended, said plan on file with the Town Clerk; or otherwise act thereon.

Purpose of The Article

This article refers to the acceptance of a roadway plan for alteration of the layout of North Main Street (Route 27)

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to accept as a public way the altered layout of North Main Street (Route 27) and adjacent streets thereto, to include within the layout of North Main Street and adjacent streets certain fee interests and permanent easements as shown on a plan entitled "Layout Alteration Route 27 Roadway Improvements

North Main Street Natick, Massachusetts,” dated April 2, 2019, prepared by Lighthouse Land Surveying, LLC, as said plan may be amended, said plan on file with the Town Clerk; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

The town has invested \$3 million for the acquisition and design of this roadway. The actual price of this roadway improvement including infrastructure, sidewalks and roads is \$18.6 million and that money is sourced from the Federal government and Commonwealth of Massachusetts.

Recently, the Commonwealth of Mass. DOT put this project out to bid, with a closing date of January 7, 2020 and Town Administration testified at the State House with respect to a small portion which is Snake Brook, which is on the Wayland-Natick line concerning an improvement to property that is held by Department of Conservation and Recreation (DCR). The town currently has requested a temporary construction easement and the Governor and our state delegation were very positive so Town Administration is hopeful that this will pass in the next few months.

The last part of this project that was begun under the supervision of the DPW Director is the final acceptance of the roadway plan and the Administration respectfully request the Finance Committee’s approval to proceed with this plan.

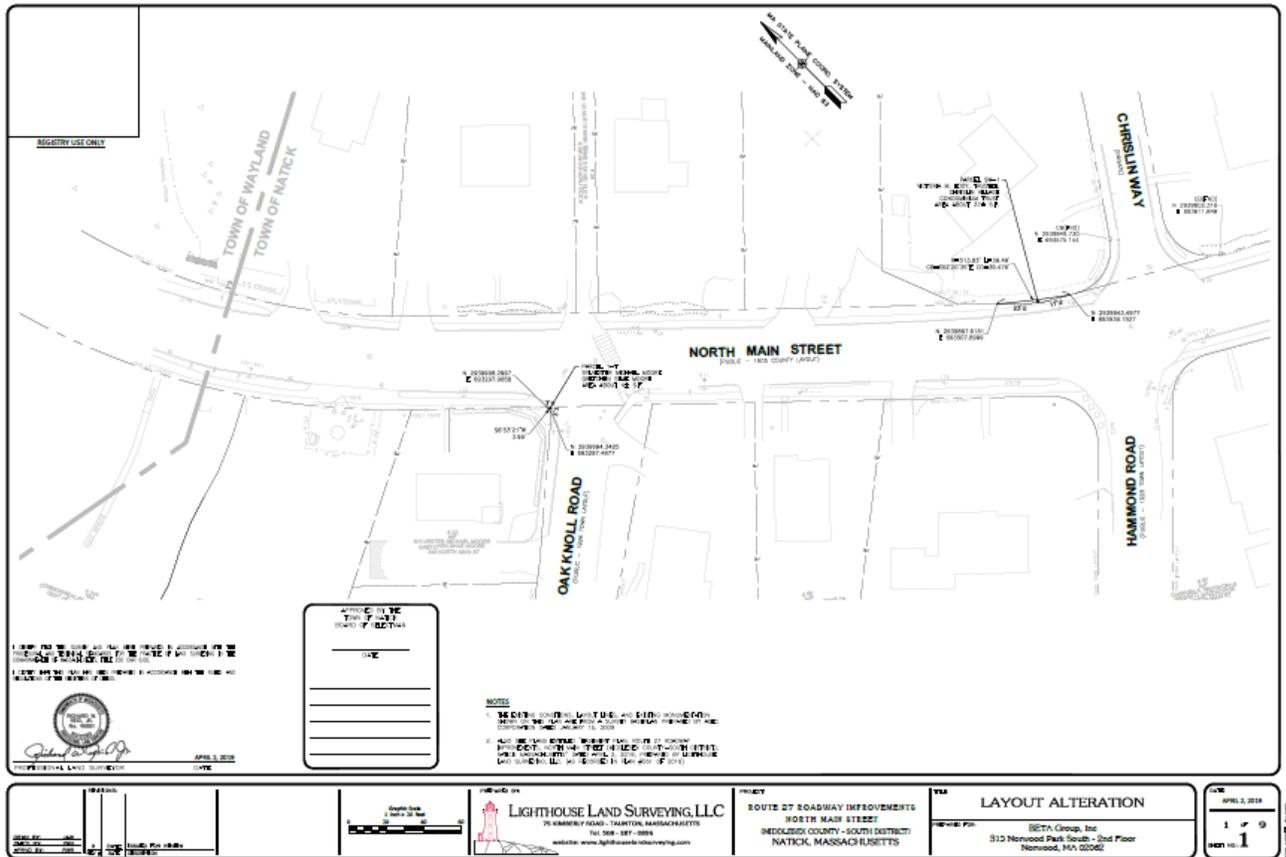
Information and Discussion of the Finance Committee

- A committee member asked for clarification on the Snake Brook issue.
 - The Town Administrator noted that the reason Snake Brook was highlighted was the final issue from the state’s perspective to moving ahead with this project. Snake Brook is located in Natick right before the town line of Wayland and is DCR property.
 - This project will be improving the water run-off to Snake Brook which flows into Lake Cochituate, so the Town needed approval from the DCR to proceed. DCR is very supportive of the changes that we are making, has received all the plans and provided legal opinions to our Town Counsel supporting this plan.
 - It’s not expected there would be any impact to the Snake Brook Trail.
- A member asked for confirmation that the plan would include a roundabout at the intersection of Pine Street and Route 27.
 - Town Administration said it will be a roundabout, but it is a separate project also funded by the state.
- A members wondered why the town planned to use a roundabout since the state seems to discourage roundabouts.
 - The current thought is that the roundabouts help to keep traffic moving as opposed to queuing. There are a series of traffic lights before and after this

proposed roundabout. Town administration added that there are several state-funded TIP projects that are employing roundabouts, including some major roadways.

- It was asked whether the temporary and permanent easement work was completed.
 - This work was already completed and the Board of Selectmen had approved the acquisition and acceptance of these easements.
- A member asked whether any of the adjoining streets included in this plan were unaccepted roads.
 - It was confirmed that there are streets along Route 27 that are unaccepted roadways but these aren't part of this plan.

Other Information of Relevance to Town Meeting



End of Article

ARTICLE 24
Transfer of Land and Grant of Easement to Natick Affordable Housing Trust: 299-301 Bacon Street
(Board of Selectmen)

Article Language

To see if the Town will vote to transfer from the Board of Selectmen to the Natick Affordable Housing Trust, the care, custody, management, and control of land identified as 0.28 acres, Assessor's Parcel No. 26-0000164A, located at 299-301 Bacon Street, as shown on a Plan entitled "Subdivision Plan on Land in Natick, Midwest Engineering, Inc., Surveyors, dated June 23, 2003," recorded as Plan Number 18326B with the Land Court Registration Office, deed into the Town of Natick recorded in the Middlesex South Registry of Deeds at Book 1470, Page 1; and further, to authorize the Board of Selectmen to grant to the Natick Affordable Housing Trust, an easement over the Town right-of-way, for the purposes of installation and maintenance of a sewer main, as show in the Plan entitled "Plan and Profile, Sewer Force Main, Plan of Land in Natick, Mass.," prepared by Sullivan Surveying Company, LLC, Sheet C2, revision date 7/2/19, on file in the Board of Selectmen's office; or to take any other necessary action to effectuate the purposes of this Article; or to act otherwise thereon.

Purpose of The Article

In 2008, the Board of Selectmen received this property and agreed to transfer this property to the Affordable Housing Trust, but the transfer to the Affordable Housing Trust was not effectuated so Article 24 is provided to complete that process.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 10, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to transfer from the Board of Selectmen to the Natick Affordable Housing Trust, the care, custody, management, and control of land identified as 0.28 acres, Assessor's Parcel No. 26- 0000164A, located at 299-301 Bacon Street, as shown on a Plan entitled "Subdivision Plan on Land in Natick, Midwest Engineering, Inc., Surveyors, dated June 23, 2003," recorded as Plan Number 18326B with the Land Court Registration Office, deed into the Town of Natick recorded in the Middlesex South Registry of Deeds at Book 1470, Page 1; and further, to authorize the Board of Selectmen to grant to the Natick Affordable Housing Trust, an easement over the Town right-of-way, for the purposes of installation and maintenance of water and sewer connections, including but not limited to a sewer main, as shown in the Plan entitled "Plan and Profile, Sewer Force Main, Plan of Land in Natick, Mass.," prepared by Sullivan Surveying Company, LLC, Sheet C2, revision date 7/2/19, on file in the Board of Selectmen's office; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

In 2008, the Board of Selectmen received this property from the Bernardi Group and the Board of Selectmen agreed to transfer this property to the Affordable Housing Trust. It was recently learned that the transfer to the Affordable Housing Trust was not effectuated so Article 24 is provided to complete that process and update the land records so that the property is appropriately registered.

Information and Discussion of the Finance Committee

- What the town's status is on affordable housing.
 - The town is currently in safe harbor status, pending the result of the 2020 census. The census is completed every 10 years and at that point, a town knows whether it is over / under the 10% threshold for affordable housing. The Town will be in safe harbor status into 2021 when the results of the census are known.
- A member sought confirmation that this is the property where the Affordable Housing Trust built two affordable housing units.
 - It was confirmed that is correct.
- It was asked what's the relationship between the town and the Affordable Housing Trust.
 - The Affordable Housing Trust is a separate entity that is established pursuant to MGL. All procurement and work is done through the Affordable Housing Trust, not the town.

End of Article

ARTICLE 25
Access to Hunnewell Fields
(Board of Selectmen)

Article Language

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, any interest or interests in all or part of the property located at 22 Pleasant Street, Natick MA, for access to the Hunnewell Fields; and further, to authorize the Board of Selectmen to transfer any portion of town-owned land acquired under the deed recorded in the Middlesex South Registry of Deeds at Book 2962, Page 41, on such terms and conditions, which may be nominal consideration, as the Board of Selectmen deems appropriate, as necessary to effectuate the purposes of this article; and further, to see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for the purposes of this article; or to act otherwise thereon.

Purpose of The Article

To authorize the Board of Selectmen to obtain legal rights of access to and egress from the Hunnewell Fields in order to preserve longstanding public access.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-1**

DATE VOTED: **October 1, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, an easement for vehicular access, non-motorized conveyance, and/or pedestrian access, on the property located at 22 Pleasant Street, Natick, MA, for access to the Hunnewell Fields which abuts the property to the North, such easement being located [over the driveway to 22 Pleasant Street currently being used for this same purpose]; and further to vote to

raise and appropriate, borrow, transfer from available funds or otherwise provide [\$100,000] for the purposes of this article; and to take all action necessary or appropriate to accomplish the purposes of this article.

Information Provided by the Sponsor

Current State:

The Town and the owner of 22 Pleasant Street are parties to a letter agreement from 2015 which provides that the owner may terminate the Town's access immediately upon the sale of the property (with no prior notice) or upon one year's prior notice. The owner delivered its "one year" notice late last year, and therefore purports to terminate the Town's access as of December 1, 2019. Both Town Administration and Town Counsel have reached out to the owner of the 22 Pleasant Street site (either directly or through his attorney) to pursue a long-term solution to the access issue, without success. Further, it has been reported that the owner has been making ongoing efforts to market the property for sale, so presumably an "immediate" termination notice could be provided at any time were the property to sell. In other words, the Town appears to remain under constant threat of "losing" access to the Fields, which threat has existed for many, many years.

Background:

The Town acquired the Hunnewell Fields well over 100 years ago. It is believed that, for many years, the Town has relied upon one or more informal, temporary, revocable and/or unrecorded arrangements with the owner of the adjoining parcel (known as 22 Pleasant Street) for access/egress. It has been reported that the owner of 22 Pleasant Street erected access barriers as far back as 2009, and perhaps one or more times even longer ago, which temporarily impeded the Town's ability to access the Fields.

The Board of Selectmen was informed of these access problems in July 2014 by the 22 Pleasant Street Study Committee, and "urged to seek an access solution". The Board of Selectmen did that – by sponsoring an "access article" in Spring 2015 (Article 34 of Spring 2015). But the Board requested and received referral to the sponsor. At that Spring 2015 Town Meeting, and at subsequent Town Meetings, numerous Articles have been proposed which relate at least tangentially to the issue of access to the Fields. Several of these Articles have passed which, in the aggregate, have authorized the Board of Selectmen to acquire the *entirety* of 22 Pleasant Street in fee simple, for \$3.2M, provided that the 22 Pleasant Street site be delivered to the Town with its documented environmental contamination having been fully remediated.

With the assistance of Town Counsel, special environmental counsel, and a Licensed Site Inspector, the Board of Selectmen engaged in good faith negotiations with the owner of 22 Pleasant Street for at least two (2) years, before ultimately determining that the owner was insistent on transaction terms that were not within the scope of the Town Meeting authorizations. The Board reported this "impasse" to Town Meeting in 2018. At that time, Town Meeting did not support acquisition.

Despite knowing of previous actions to impede the Town's access to the Fields, the focus for several years has been on more ambitious proposals – such as rezoning to accommodate an assisted living facility and, as noted above, acquisition of the entire 22 Pleasant Street site. With all of the past efforts having failed to produce demonstrable results (not for lack of effort), the Board of Selectmen finds itself essentially where it left off in Spring, 2015 – with an interest in addressing the specific issue of access to the Fields.

Information and Discussion of the Finance Committee

Questions

- Mr. Hickey stated that the access to the Hunnewell Fields via the 22 Pleasant Street entrance will be revoked as of December 1, 2019, based on a one year advance notice. If the town received a one year's notice in November 2018 why are we only acting on this in October 2019?
 - The letter is dated November 28, 2018 and was received on December 1, 2018. Town administration, along with legal counsel along with Chair of the Board of selectmen were notified. After that we were working on a solution and had multiple meetings with multiple departments.
- Was any thought given to either address through a special Town Meeting or the Spring 2019 Town Meeting?
 - As noted, the letter dated November 28 was received by town administration in December. There was no ongoing effort involving the Board of Selectmen on this project. Ms. Malone and her staff were doing research on how they could address this ball field access issue. As far as current members of the Board, awareness of the letter was this past summer, soon thereafter, a decision was made to sponsor article 25.
- Based on the survey that we have, the access points to the cart path. And the access point through 22 Pleasant Street would be approximately 3-4 feet apart from one another. Given all the potential uses 22 Pleasant Street could have and the employees or the individuals who may be working in that building entering or leaving at any given time, and the individuals who would be gaining access to Hunnewell fields. Do we have any thoughts, given that the abutter would be given notice about this, that there could be problems or delays related to the incredibly close proximity of those two access points?
 - That issue has been discussed. One of the things that we talked about is the width of the two driveways was delineating via signage, that indicated the it was an entrance only to the cart path (subject to Planning Board review). The abutter would, of course, be given legal notice. However, I believe that, irrespective of giving that notice, and of objection, considering that we're here, based on that abutter's removal of our access to the driveway that we would be able to proceed. Again, we're trying to find a solution. This is not the first time that the town has had this access cut off and my position as Town Administrator is that the most practical way to solve this is to work with our own town bodies – the Planning

Board, the Historic Commission and the Conservation Commission, and use our own land, so that we can together work on a solution for the town. And again, with respect to the abutters in the neighborhood, we're trying to be as respectful as possible without disturbing the current area of Merrill Road.

- Given the potential issues that could occur as you go through the planning process, including abutters abilities and rights to contend or a host of different things, does the town have a backup plan for field access if access through 22 Pleasant St. is terminated, for example, we are hung up in a permitting process that may go beyond April 2020.
 - The motion in Article 25 sponsored by the Board of Selectmen works in parallel with Article 12A.2 and provides two very viable options. Our intention with Article 12A.2 is that the town would acquire that land for its usage in perpetuity and it would allow for the town not to need to acquire additional land. Article 12A.2 and Article 25 should be pursued in tandem to ensure field access.
- The acquisition of surface and air rights is muddy and may be informed by information to come in the future from Mass DEP. Do we have a legal opinion on what cleanup liabilities would / would not result from the acquisition of an access easement
 - The areas of known contamination are in the back of the 22 Pleasant Street property. Special environmental counsel that we hired during the negotiations has recently advised us that, as far as mitigating or limiting potential environmental liability that can simply be associated with having an access easement on the property that the most prudent. We're understanding that there may be other conditions that nobody knows approach would be to use the alignment of the existing access. I can speculate, given my experience that that's in the nature of limiting further disturbance. This refers to known contamination areas (the groundwater under the building site). Whether there is additional contamination, no one knows.
- The easement could cover a subset of the property and could exclude known areas of contamination.
 - It was confirmed

Debate

The transcription of the debate portion of the public hearing is not available in time for it to be included in this book.

Other Information of Relevance to Town Meeting

Please refer to the information under Articles 12 A2, 9, and 26 for additional information on the totality of the Hunnewell articles under this warrant

MILLER & MILLER
Counsellors at Law

WARREN G. MILLER
SAMUEL MILLER (1918-1977)
EDWARD MILLER (1918-1986)

FIFTEEN COURT SQUARE, BOSTON, MASSACHUSETTS 02108

(617) 227-6493 FAX (617) 227-6494
wgmlaw@aol.com

November 28, 2018

Certified Mail
Return Receipt Requested

Town of Natick, Massachusetts
Board of Selectmen
Town Hall
13 E. Central Street
Natick, MA 01760

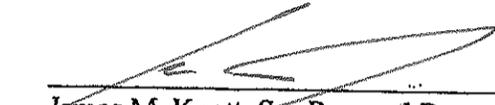
Gentlemen:

Re: Notice of Termination of Agreement dated May 30, 2015

Reference is made to the agreement dated May 30, 2015 between the Town of Natick by the Natick Board of Selectmen and James M. Knott, a/k/a James M. Knott, Sr. who died on August 16, 2018, relating to the Town's permissive vehicular access over property at 22 Pleasant Street, Natick, Massachusetts.

Pursuant to Paragraph 3 of the Agreement, you are hereby notified that effective December 1, 2019 the permissive vehicular access utilized by the Town over property at 22 Pleasant Street is hereby terminated.

As further provided in Paragraph 3 of the Agreement, if the property at 22 Pleasant Street, Natick is sold before December 1, 2019 to someone other than a relative, family member, heir, devisee or legatee of James M. Knott, Sr., the Agreement will automatically terminate as of the date of the recording of the deed documenting such sale.


James M. Knott, Sr., Personal Representative
Of the Estate of James M. Knott, Sr.

REFERENCES

- MIDDLESEX COUNTY REGISTRY OF DEEDS
- DEEDS:
 BOOK 10234, PAGE 225
 BOOK 9870, PAGE 557
 BOOK 3653, PAGE 473
 BOOK 31735, PAGE 249
 BOOK 31438, PAGE 519
 BOOK 8543, PAGE 183
 BOOK 4281, PAGE 82
- PLANS:
 PLAN 129 OF 2001
 PLAN 561 OF 1992
 PLAN 652 OF 1992
 PLAN 727 OF 1989
 PLAN 340 OF 1985
 PLAN 1753 OF 1985
 PLAN BOOK 198, PLAN 17
 PLAN BOOK 316, PLAN 43
 PLAN IN RECORD BOOK 2948, PAGE 448
 PLAN IN RECORD BOOK 3160, PAGE 17
 1942 PLEASANT STREET COUNTY LAYOUT

ENCROACHMENTS:

- A CONCRETE PAD AND DRIVEWAY EXTEND 2.5 FEET OFF LOCUS.
 B BIT. CONC. DRIVE EXTENDS 12 FEET OFF LOCUS.
 C WALL OF BRIDGE IS .4' ON LOCUS.

EASEMENT LEGEND:

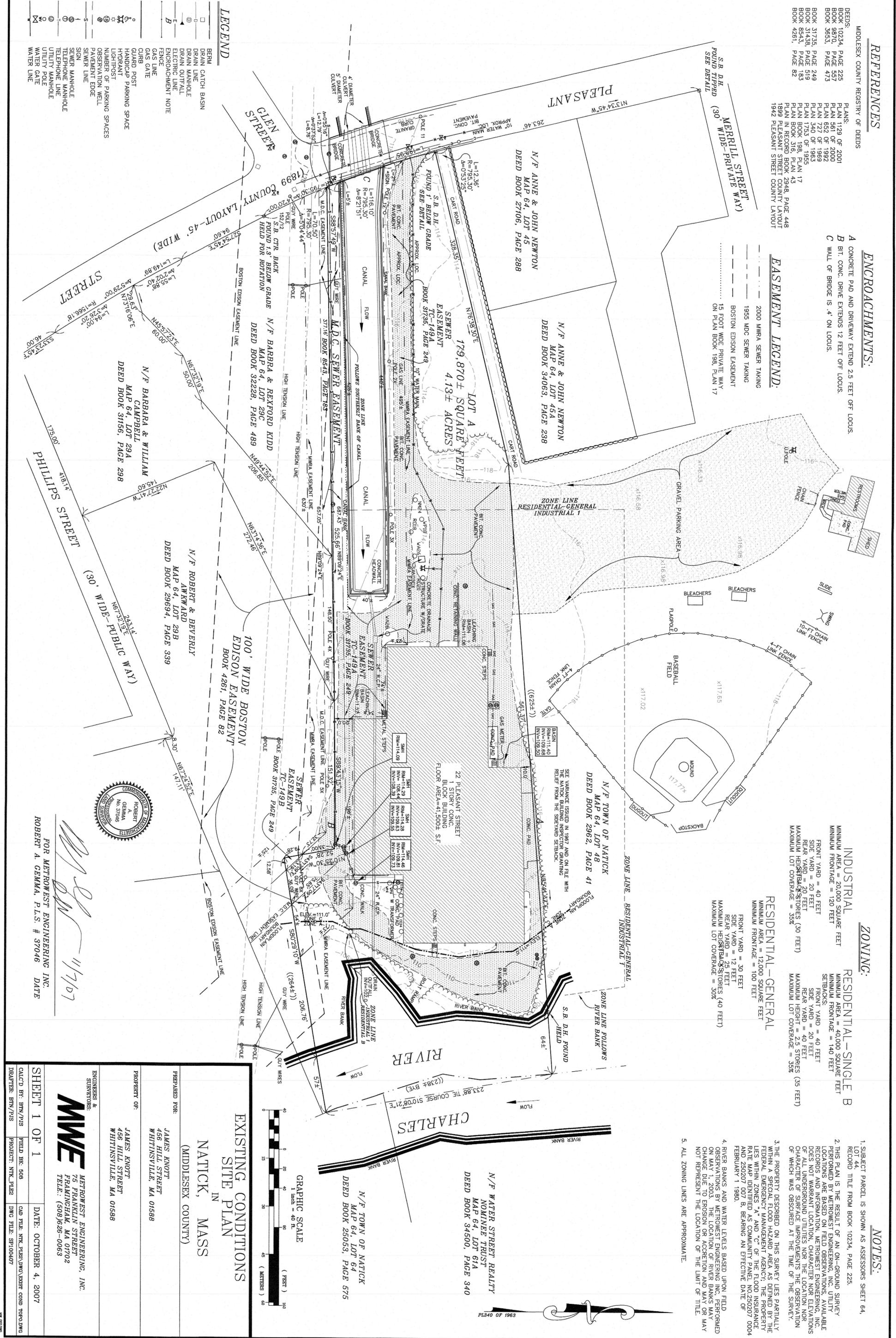
- 2000 MWRA SEWER TAKING
 1995 MOC SEWER TAKING
 BOSTON EDISON EASEMENT
 15 FOOT WIDE PRIVATE WAY ON PLAN BOOK 198, PLAN 17

ZONING:

- INDUSTRIAL**
 MINIMUM AREA = 20,000 SQUARE FEET
 MINIMUM FRONTAGE = 120 FEET
 FRONT YARD = 40 FEET
 SIDE YARD = 20 FEET
 REAR YARD = 20 FEET
 MAXIMUM HEIGHT/STORIES (30 FEET)
 MAXIMUM LOT COVERAGE = 35%
- RESIDENTIAL-SINGLE B**
 MINIMUM AREA = 40,000 SQUARE FEET
 MINIMUM FRONTAGE = 140 FEET
 FRONT YARD = 40 FEET
 SIDE YARD = 20 FEET
 REAR YARD = 20 FEET
 MAXIMUM HEIGHT/STORIES (35 FEET)
 MAXIMUM LOT COVERAGE = 35%
- RESIDENTIAL-GENERAL**
 MINIMUM AREA = 12,000 SQUARE FEET
 MINIMUM FRONTAGE = 100 FEET
 FRONT YARD = 30 FEET
 SIDE YARD = 12 FEET
 REAR YARD = 20 FEET
 MAXIMUM HEIGHT/STORIES (40 FEET)
 MAXIMUM LOT COVERAGE = 30%

NOTES:

- SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 64, LOT 44, RECORD TITLE FROM BOOK 10234, PAGE 225
- THIS PLAN IS THE RESULT OF AN ON-GROUND SURVEY PERFORMED BY METROWEST ENGINEERING, INC. UTILITY RECORDS AND INFORMATION, TELEPHONE ENGINEERING, DOES NOT WARRANT LOCATION, CHARACTER OR ELEVATIONS OF ALL UNDERGROUND UTILITIES NOR THE LOCATION NOR CHARACTER OF SURFACE IMPROVEMENTS THE OBSERVATION OF WHICH WAS OBSERVED AT THE TIME OF THE SURVEY.
- THE PROPERTY DESCRIBED ON THIS SURVEY LIES PARTIALLY WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONES 'A' AND 'C' OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO.250207 0004 FEBRUARY 1 1990.
- RIVER BANKS AND WATER LEVELS BASED UPON FIELD OBSERVATIONS BY METROWEST ENGINEERING, INC. PERFORMED ON MAY 1, 2003. THE LOCATION OF RIVER BANKS MAY CHANGE DUE TO EROSION OR ACCRETION AND BANKS MAY NOT REPRESENT THE LOCATION OF THE LIMIT OF TITLE.
- ALL ZONING LINES ARE APPROXIMATE.



- LEGEND**
- BERM
 - DRAIN CATCH BASIN
 - DRAIN MANHOLE
 - DRAIN OUTFALL
 - ELECTRIC LINE
 - EASEMENT NOTE
 - FENCE
 - GAS LINE
 - GAS CATE
 - CURB
 - GUARD POST
 - HANDICAP PARKING SPACE
 - HYDRANT
 - LIGHTPOST
 - NUMBER OF PARKING SPACES
 - OBSERVATION WELL
 - PAVEMENT EDGE
 - SEWER LINE
 - SEWER MANHOLE
 - SEWER MANHOLE
 - TELEPHONE LINE
 - UTILITY MANHOLE
 - UTILITY POLE
 - WATER GATE
 - WATER LINE



FOR METROWEST ENGINEERING, INC.
 ROBERT A. GEMMA, P.L.S. # 37046 DATE 11/7/07

EXISTING CONDITIONS SITE PLAN
 IN
 NATICK, MASS
 (MIDDLESEX COUNTY)

PREPARED FOR:
 JAMES KNOTT
 456 HILL STREET
 WHITINSVILLE, MA 01588

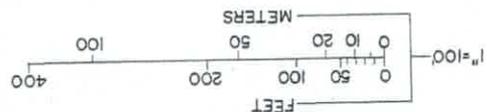
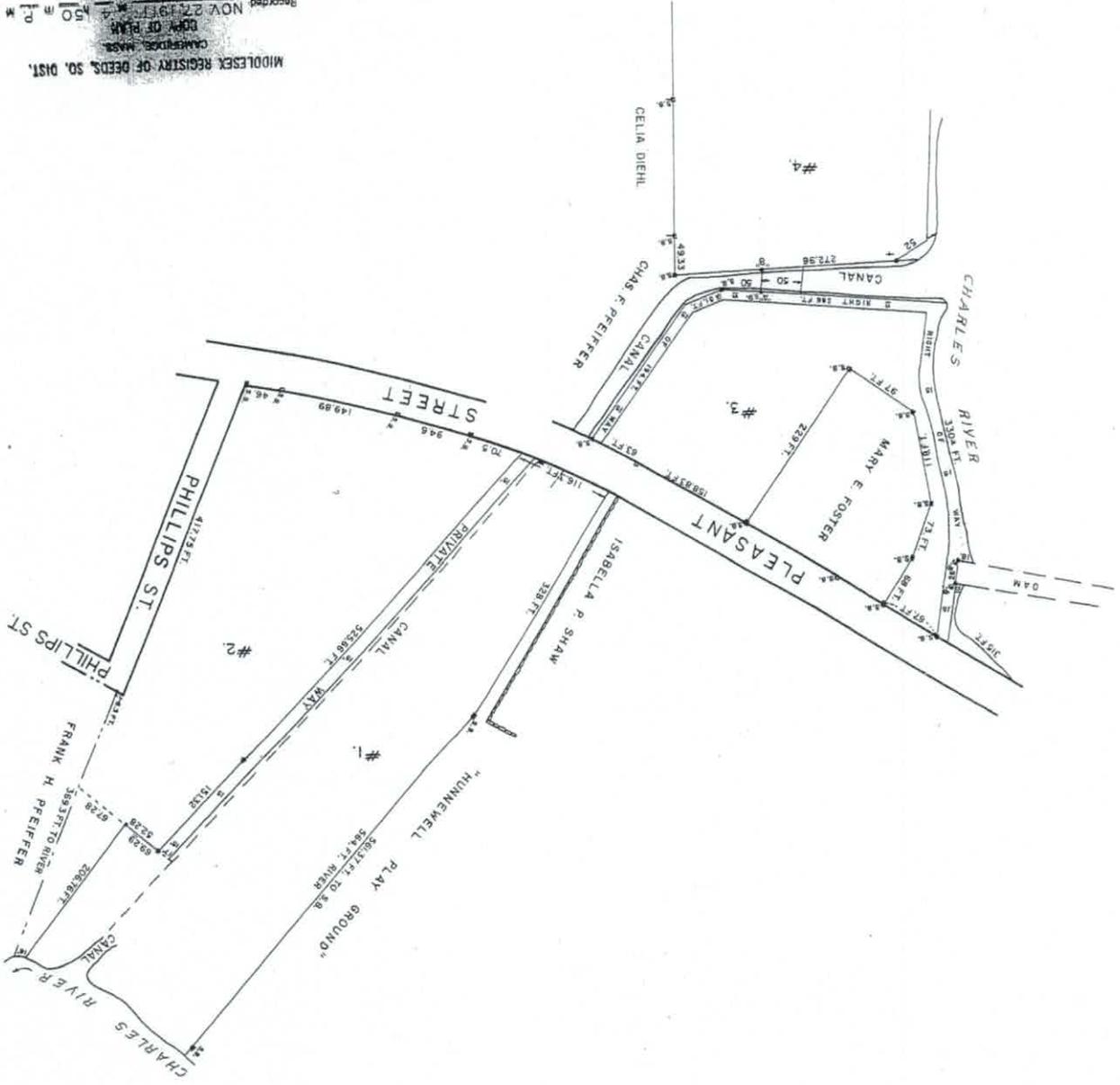
PROPERTY OF:
 JAMES KNOTT
 456 HILL STREET
 WHITINSVILLE, MA 01588

ENGINEERS & SURVEYORS:
MWE METROWEST ENGINEERING, INC.
 75 FRANKLIN STREET
 FRANKINGHAM, MA 01702
 TELE.: (508)628-0063

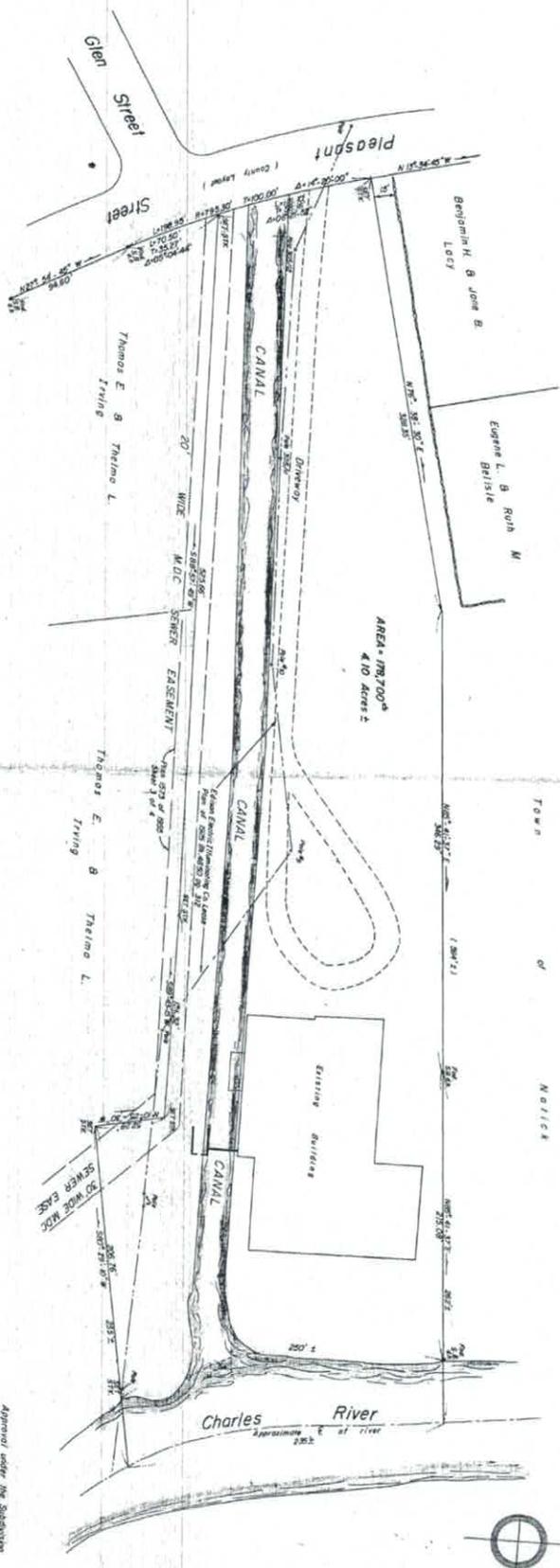
SHEET 1 OF 1
 DATE: OCTOBER 4, 2007

DR: BTM/RIS
 CALC'D BY: BTM/RIS
 FIELD BK: 508
 PRODUCED BY: NTK/PLB2
 DWG FILE: SP100407

MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
 CAMBRIDGE, MASS.
 COPY OF PLAN
 NOV. 27 1911 4 150 P. M.
 Recorded
 In Plan Book 17 98
 Registrar
 Attest



PLAN OF LAND
 IN
 NATICK, MASS.
 OWNED BY
 BOSTON BEDDING SUPPLY CO.
 SCALE 1 IN.=100 FT. OCT. 1911
 W. W. WIGHT AND SON C.E'S.
 (ORIGINAL ON FILE)



Plan of Land in Natick, Mass.

Owned by :

James M. Knorr

Scale: 1" = 40'



December 6, 1962

Survey by :

MacCarthy Engineering Service Inc.
Natick, Mass.

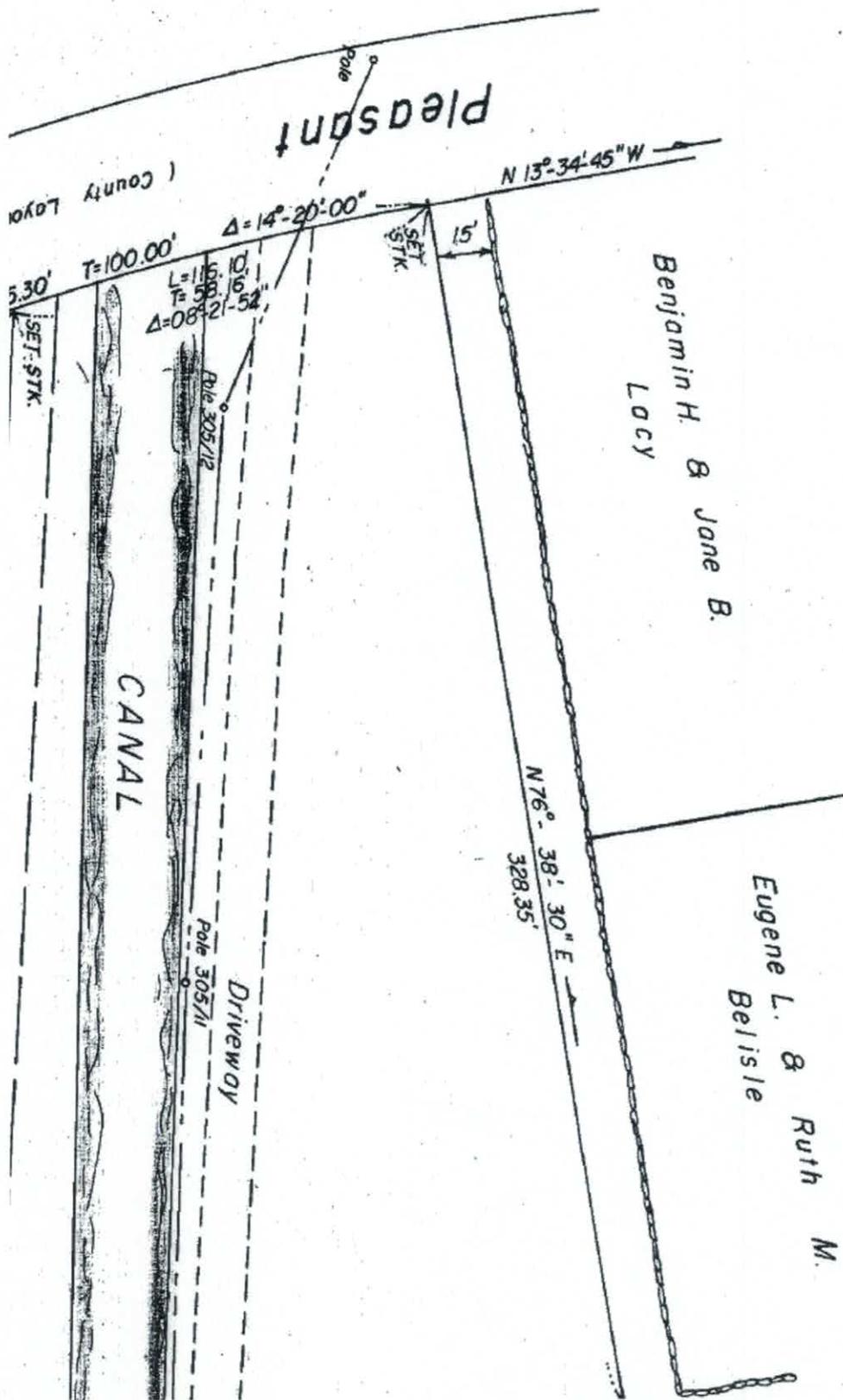
DEED REF. 54, 8892 PG 415
50 ACRES Reg. of Deeds
PLAN REF. 89-109 Page 17
Municipal Reg. of Deeds

Approved under the Subdivision
Map Act, Chapter 40A
by the State Engineer
C. J. [Signature]
December 11, 1962

Massachusetts Registry of Deeds, State Building,
P.O. Box 100, Boston, Mass. 02111
Noted MAR. 1963
DEED REF. 54, 8892 PG 415
50 ACRES Reg. of Deeds
CORRECTING ENGINEERING
JAMES M. KNORR
10527
Natick, Mass.



ENLARGED SECTION DECEMBER 6, 1962 PLAN



on said plan ninety six and $\frac{11}{100}$ (96.11) feet; and containing 4805 square feet. Being the same premises conveyed to us by Jennie S. Hall by her deed dated February 10th 1897, and recorded with Middlesex So. Dist. Deeds book 2854, page 467 and are hereby conveyed subject to the taxes assessed May 1, 1902. To H. and to hold the above granted premises with all the privileges and appurtenances thereto belonging to the said Henry Lynde and his heirs and assigns to their use and behoof forever. And we the said grantors for ourselves and our heirs executors and administrators do covenant with the said grantee, his heirs and assigns, that the granted premises are free from all incumbrances made by us, except as aforesaid. And that we will and our heirs, executors and administrators shall, warrant and defend the same to the said grantee, his heirs and assigns forever, against the lawful claims and demands of all persons claiming by incumbrances made by us except as aforesaid but against none other. In witness whereof we the Thomas S. Hiler, Dudley A. Dorr and Fred W. Lowe as joint tenants have hereto set our hands and seals this twenty fifth day of April in the year of our Lord nineteen hundred and two. Thos. S. Hiler seal Dudley A. Dorr seal Fred W. Lowe seal Commonwealth of Massachusetts Suffolk ss. April 29th 1902. Then personally appeared the above named Dudley A. Dorr and acknowledged the foregoing instrument to be his free act and deed, before me Perry E. Walbridge Notary Public.

Middlesex ss. April 30, 1902. 2 hr. 15 m. P. M. Reid + Recorded
No Rev. Stamp. Attest, Edwin O. Childs Reg.

Know all Men by these Presents Hummelwell
That I, Arthur Hummelwell of Wellesley in the County of Suffolk and Commonwealth of Massachusetts in consideration of one dollar and other valuable considerations to me paid by the town of Natick in said Commonwealth the receipt of which is hereby acknowledged do hereby remise, release and forever quit claim unto the said town of Natick a certain tract of land containing eleven and $\frac{21}{100}$ (11.21) acres situated in that part of Natick in the County of Middlesex and Commonwealth aforesaid known as South Natick on the eastern

to
Town of Natick

ly side of Pleasant Street and bounded and described as follows: Beginning at a stone bound on said Pleasant Street at the north-westerly corner of said lot and on the bank of the Charles River, thence following the course of said Charles River in a northeasterly, easterly and southeasterly direction to a stone bound on the bank of said river and opposite an elm tree near the present electric lighting station of the Natick Gas & Electric Company; thence southwesterly in a straight line a few feet to said elm tree; thence southwesterly by other land of said Natick Gas & Electric Company five hundred and sixty-four (564) feet in a straight line to a stone bound; thence turning and still continuing southwesterly in a straight line by other land of said Natick Gas & Electric Company three hundred and twenty-eight (328) feet to a stone bound in the line of said Pleasant Street thence turning nearly at a right angle and running northwesterly fifteen (15) feet along the line of said Pleasant Street to a stone bound, a corner; thence turning and running north-easterly in a straight line by land of William J. Brown three hundred and twenty-nine (329) feet to a stone bound a corner; thence turning and running northwesterly in a straight line by land of said Brown, now or formerly heir of Jonas Perry and John Kelly three hundred and ninety-eight (398) feet to a stone bound, a corner; thence turning and running southwesterly in a straight line by land of said Kelly, Parmenter and J. H. Hunnewell, three hundred and thirty (330) feet to a stone bound, a corner; in the line of said Pleasant Street; thence turning and running northwesterly by the line of said Pleasant Street two hundred fifty-nine and five tenths (259.5) feet to the point of beginning; or however, otherwise the same may be bounded, measured or described, and being the larger portion of Lot 9 as shown on Plan of Bigelow Mills and land thereto belonging in South Natick surveyed September 10, 1830, by John S. Hoar and recorded with Middlesex South District Deeds in Plan Book 14 (Plan 47 to which plan reference is hereby made; and also being the same premises shown and described on a plan made February 7th, 1902 by W. H. Wright L. C. and conveyed to me by the Natick Gas and Electric Company by deed recorded with Middlesex South District Deeds Lib. 2948 Fol. 452 To Have and to Hold the granted premises with all the privileges and appurtenances thereto belonging to the

said town of Natick, its successors and assigns to their own use and behoof forever. The same being given to the said town by my father Jb. Hollis Bunnewell, for whom I purchased it and held the title, it being his wish and desire that the same shall be used as a play ground and place of recreation for all the citizens of the said town. In witness whereof we the said Arthur Bunnewell and Jane H. Bunnewell, his wife in token of her release of all rights of dower and homestead in the above mentioned property hereto set our hands and seals this fifteenth day of April; nineteen hundred and two. Arthur Bunnewell read Jane H. Bunnewell read Commonwealth of Massachusetts. Suffolk ss. Boston, April 15, 1902. Then personally appeared the above named Arthur Bunnewell and acknowledged the foregoing instrument to be his free act and deed, before me, Henry S. Ruggles, Justice of the Peace.

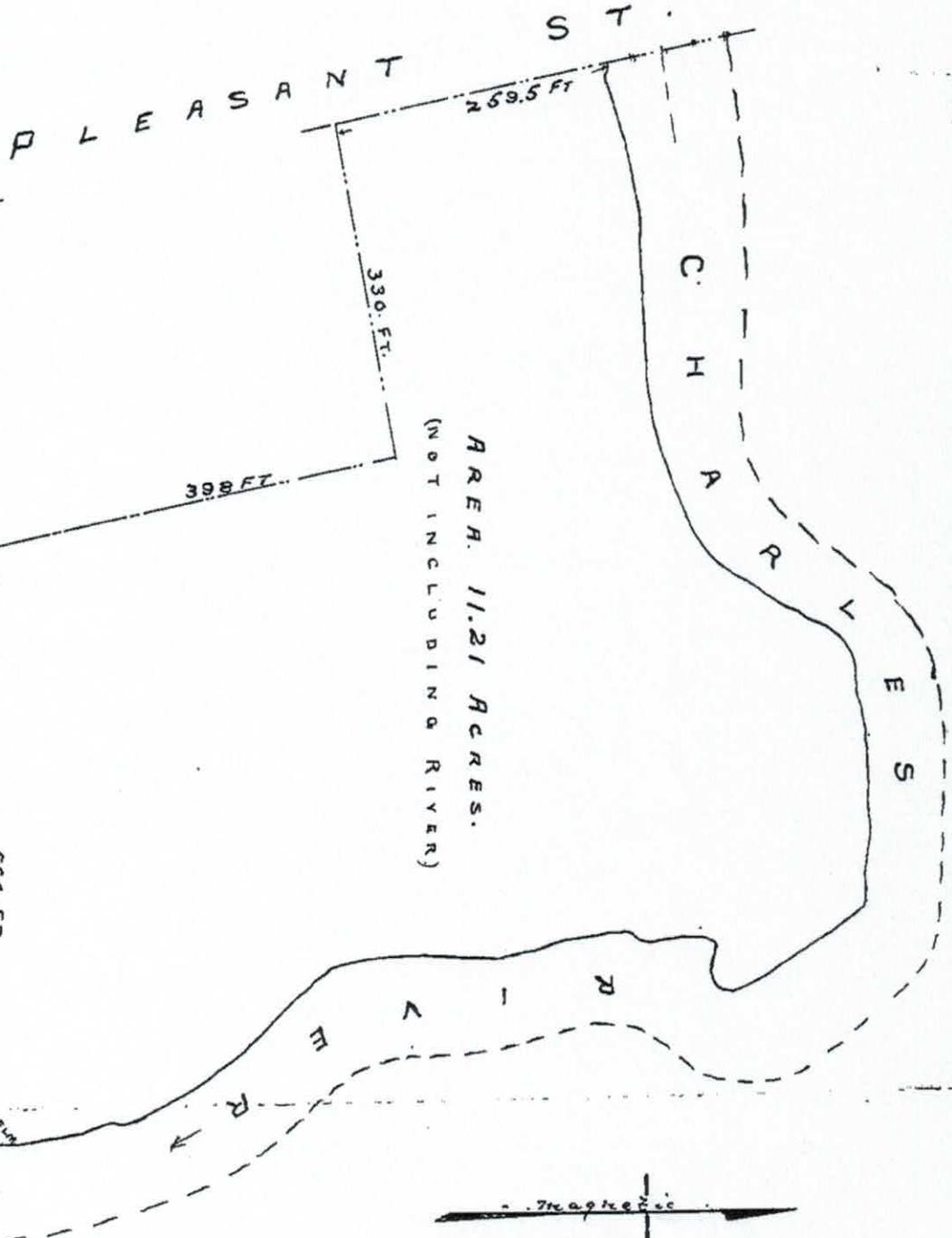
Middlesex ss. April 30, 1902. 2 hr. 25 m. P. M. Recd & Recorded
 No Rev. Stamp. Attest, Edwin O. Childs Reg.

This Indenture made this twenty sixth day of April A. D. 1902 between Ella M. Hyde of Malden in the County of Middlesex and Commonwealth of Massachusetts the holder and owner of a certain mortgage given by Julia Eva Winn of said Malden for two thousand dollars (of which principal sum the amount of one thousand dollars has this day been paid) to Caroline B. Dodge, dated April 26th A. D. 1893, and recorded in the Middlesex South Registry of Deeds libro 2188 folio 278 and said Julia Eva Winn witnesseth That the said Ella M. Hyde for herself, her heirs, executors administrators, and assigns hereby covenants with the said Julia Eva Winn, and her heirs and assigns, that she the said Ella M. Hyde, or her executors administrators or assigns, will not before the twenty sixth day of April in the year nineteen hundred and five demand payment of the principal sum left unpaid secured by said mortgage and that the non-payment thereof before said date shall not be deemed to constitute a breach of the condition of said mortgage, and the term of said mortgage is hereby extended three years until the said twenty-sixth day of April A. D. 1905. provided however that the said Julia Eva Winn, or her heirs or assigns shall under the terms and conditions of said mortgage pay the

Hyde et al.
 Extension



Page 448K



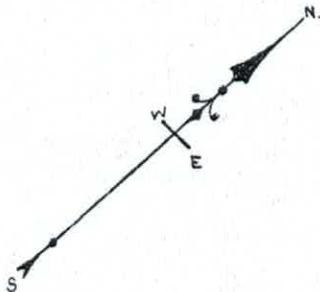
AREA 11.21 ACRES.
(NOT INCLUDING RIVER)

PLAN OF LAND OWNED BY
NATICK ELECTRIC COMPANY, MASS.
SCALE 1" = 150 FT. FEB. 7. 1902. W.W. WIGHT, C.E.

Plan of Bigelow Mills and Land thereto belonging in SOUTH NATICK in the County of Middlesex.

Survey'd September 10th 1830
By John G. Hales

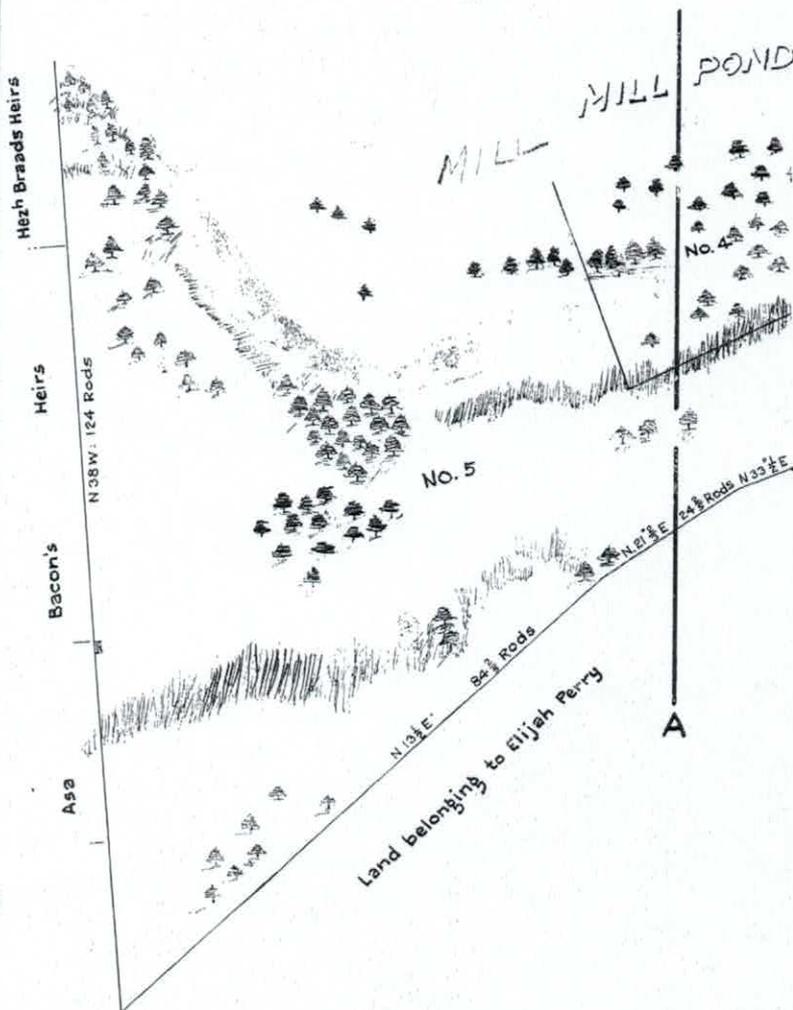
(Original on file)
(Scale of this plan: 1 inch = 16 Rods.)



REFERENCE		
Number on Plan	Premises	Statute Measure
No 1	A three story Building in which are Grist, Paper, saw and other Mills, with a Mill Yard and Water Privilege	0 Acres 2 Quarters 23 Rods
Isaac Bigelow's Lots		
2	A two story Building used as a Wheel Factory, with a water privilege and Factory Yard	0 1 26
3	A two story Dwelling House, Barn, shed, Garden, Orchard &	3 3 36
4	Tillage, Orchard &	6 0 21
5	Do. and Pasture	39 1 3
		49 3 6
Abraham Bigelow's Lots		
6	Two story Dwelling House and Garden	0 1 12
7	Chaise House &	15
8	Barn, Orchard &	3 3 2
9	Tillage & Pasture Land	19 0 28
10	Pasture Land	10 1 8
		33 2 25

There is a piece of Meadow Land, computed to contain 3 Acres, about 2 miles distant, which is not included in this Survey

The above privilege consist of the whole of Charles River, and the water is now used from a head of 8 feet or a fall of feet below a part of this



14 P 47 (A of 2)
Albert R. Kuehlein

This is the last page of this article

End of Article

ARTICLE 26
22 Pleasant Street
(Recreation and Parks Commission and Seth Levine et al)

Article Language

To see what actions the Town will take or vote to change, amend, modify, augment, or supplant its previous votes under Article 35 of 2015 Spring Annual Town Meeting, Article 29 of 2016 Spring Annual Town Meeting, Article 27 of 2017 Fall Annual Town Meeting, or any other Article of any Town Meeting which authorized negotiation, appropriation of funds, raising of funds, transfer from available funds and/or borrowing authorization for the acquisition of property known as 22 Pleasant Street; being shown as Assessors Map 64, Lot 44 in South Natick (the Site) by purchase, gift, eminent domain, or other means.

Provided however that no reduction of any previous appropriation or borrowing authorization may occur under this Warrant Article, except as expressly provided below regarding the substitution in whole or in part of other funds, and further provided that no previous authorization for negotiation, acquisition by gift, purchase, eminent domain or other means may be rescinded under this Warrant Article, but allowing that non monetary restrictions and non monetary conditions (the term ‘non monetary’ meaning other than appropriation or borrowing) in any previous votes may be modified or removed as provided later within this Article; and to allow

- a) That such changes, amendments, or modifications to authorize the Board of Selectmen to purchase, acquire, accept by gift, or take by eminent domain a comprehensive surface and air rights easement for open space, recreation, park, playground, access, parking, boating, and/or other purposes (“Comprehensive Easement”) for all, or substantially all, of the Site; and/or limited or total sub surface easements for all or portions of the Site and/or
- b) That any subsurface easement may vary in depth and/or in lateral scope within the Site in order to avoid areas of underground contamination including but not limited to any areas of contamination that rise or fall with periodic changes in the water table. (The purpose of this provision, including but not being limited to, that any subsurface easement does not need to extend down to or to include any layers of identified underground contamination or underground tanks); and/or
- c) That such Comprehensive Easement may alternatively be used for portions of the Site in conjunction with fee acquisition for other portions of the Site, provided that such combination result, at a minimum, in acquisition of all or substantially all the surface and air rights of the Site; and/or
- d) That a Comprehensive Easement for all or substantially all of the Site or in combination with fee acquisition include all beneficial surface and above ground rights, uses, buildings, structures, trees, areas of now or former canals located east of Pleasant St. , and the like, and/or in conjunction with limited or total subsurface

- easements for improvements for utilities and drainage or other subsurface areas; and/or
- e) That the intent of the above clause and purpose of this Warrant Article and the term Comprehensive Easement being that the Town would become the holder of all or substantially all of such beneficial surface and air uses and rights for the benefit of the public and/or Town such that no private rights of surface and/or air rights or uses remain with the current owner of the Site (except as expressly allowed below), but that any underground area or volume of and/or subsurface area of environmental contamination and any contaminated area of the building may be excluded. (This provision being a precaution that easement rights are often narrowly construed allowing a fee owner to retain all rights of ownership and use unless expressly taken or acquired and being that the town would acquire all or substantially all the beneficial surface and above ground uses and rights of the Site.); and/or
 - f) That subject to the required provisions and prohibitions stated elsewhere in this Article, Town Meeting may expand the purposes and or remove or modify non monetary conditions or non monetary restrictions in any previous vote of Town Meeting for any acquisition of the Site but only in order to accomplish the purposes of this Article which are at a minimum acquiring all or substantially all of the surface and air rights of the Site; and/or
 - g) That the condition in Article 27 of 2017 Fall Annual Town Meeting may be removed or modified, but only to accomplish or to allow the purposes of this Article, which condition stated "provided that the Board of Selectmen is not authorized to acquire said property unless a Purchase and Sale Agreement, satisfactory to the Board of Selectmen, is entered into with the owner of said property" (it being noted, among other things, that said provision of 2017 Fall Annual Town Meeting might prevent any exercise of any eminent domain power); and/or
 - h) That said land be subject to an Activity and Use Limitation to encompass and/or to encapsulate or otherwise restrict use of any areas of or over identified contamination; and/or
 - i) That any portion of the Site acquired under this Article may be acquired subject to or provide for a subsequent Activity and Use Limitation especially, but not necessarily, limited to any surface areas above underground contamination; and/or
 - j) That an Activity and Use Limitation may provide or require that such areas be paved over and encapsulated. (For example purposes only, as is required of and in the purchase of the contaminated rail trail land acquired by the Town but not restricting the town to the same paving or encapsulation methods or approaches.); and/or
 - k) To allow access, whether by right, permission or otherwise, through designated portions of the Site once acquired under this Article for the use of the Wellesley Cooperative Nursery School (or any similar charitable trust successor) located on deed restricted land under the deed of Isabella Pratt Hunnewell Shaw at Merrill Road (a private way) abutting Hunnewell Park; and/or
 - l) That other funds may be appropriated, raised or transferred from available funds including, without limitation, any stabilization fund, to substitute for all or part of

- the borrowing authorization under previous votes of Town Meeting in which case only then may the previous borrowing authorization be reduced under this Article and in which case any remaining borrowing authorization must be maintained in an amount such that the sum of such other funds and any remaining borrowing authorization shall be equal , at a minimum, at the total dollar amount appropriated in previous votes of Town Meeting; and/or
- m) That FAR Bonus Stabilization Funds may be appropriated and used, as part of the acquisition contemplated under this Article, for the portions of the site which are zoned RG and/or RSB and/or for any portion zoned I-1 which is open space; and/or
 - n) To allow any fee acquisition, Comprehensive Easement, or combination thereof, either to permit or to require the owner of the Site or other party to:
 - i) remove all or part of the existing building,
 - ii) fill any basement or substructure areas that are removed with clean fill,
 - iii) excavate, remove and replace any contaminated soil with clean fill,
 - iv) excavate and remove any underground tanks and replace same with clean fill,
 - v) excavate and remove any underground wheels, machines, generators, water flow harnessing devices, and the like and replace same with clean fill,
 - vi) the preference being that areas of now or former canals east of Pleasant St not be filled in such a way that such canal use cannot be revived
 - vii) specify that such removal and replacement activities may occur either before or for a period of time after the closing on or eminent domain taking of the Town contemplated under this Article,
 - viii) that access may be allowed for the owner or other party after the closing, or eminent domain taking for such period of time as the Selectmen may negotiate to accomplish the purposes of this Article, and/or
 - ix) that such subsequent access may include monitoring of the Site
 - x) that any such subsequent access shall be allowable under this Article notwithstanding any other provision of this Article; and/or
 - o) To allow that the Comprehensive Easement may also be used in any combination with fee acquisition such as for example that the parts of the site which are clean and free of buildings may be acquired in fee and the other parts acquired by Comprehensive Easement and that the meaning of Comprehensive Easement may include any combination provided such combination is, at a minimum , for all or substantially all of the surface and air rights of the Site; and/or
 - p) That any combination of fee acquisition and Comprehensive Easement may be authorized under this Article provided that any such combination, at a minimum, be for all or substantially all of the surface and air rights of the Site; and/or
 - q) To allow that any Comprehensive Easement or fee under this Article to include:
 - i) the portions of the Charles River that are recorded as part of the 22 Pleasant Street lot; and
 - ii) any and/or all above ground, surface and/or subsurface utilities serving or accessible to 22 Pleasant Street; and

- iii) any and/or all rights of 22 Pleasant St on, of and/or to lands, flow lands, dam access and repair, submerged lands and or all other real property interests and rights located to the west of Pleasant Street.

Further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this Article and to take all action necessary or appropriate to accomplish the purposes of this Article; and/or

And further provided that the Town may vote to increase the previous appropriation and/or borrowing authorization; and/or otherwise raise, and/or transfer from available funds, or appropriate from Stabilization Funds; for the acquisition by purchase or taking by eminent domain of fee, or Comprehensive Easement, or combination thereof, and/or to see what sums the Town will appropriate, raise or transfer from available funds for due diligence regarding the Site; and

And further provided that under this warrant article:

The term “substantially all” under this Article shall have a meaning of more than 80% of the total of surface rights (including associated air rights), and that surface rights include above ground improvements areas providing, for purposes of clarity, that where the Selectmen agree or the owner provides that the building may be removed, that then the footprint area of the building or any portion so removed will count as part of surface rights (including associated air rights); and

The term “substantially all” under this Article can exclude areas of contamination below the surface or below the bed in the Charles River bed and may exclude identified areas of surface or building contamination that are not remediated by the owner or other party; and

Any such surface areas or building areas so excluded shall first be deducted from 100% for the purposes of measuring 80%; and

Any further exclusions, which are not for reasons of environmental contamination, may not result in less than “more than 80%” of the total overall surface rights and building footprint areas being acquired; and

Any easement or fee acquisition or combination thereof for only driveways and/or streets to access the Hunnewell Park is not permitted under this Article; and

The term “substantially all” under this Article cannot be used to reduce the acquisition under this Article to the sum of driveway or street access to Hunnewell Park plus de minimis additional land area or rights;

Or otherwise act thereon.

Purpose of The Article

The purpose is to acquire a Comprehensive surface and air rights of 22 Pleasant Street to accomplish four key objectives in one acquisition: 1) to gain unfettered access rights to Hunnewell Park fields, 2) to gain ability to park on 22 Pleasant Street in addition to or instead of on Hunnewell Park gravel lot, 3) to complete an assemblage of recreation, open space land and 4) to avoid any Town involvement with the underground contamination that was the stated reason for the Board of Selectmen not following through on the fee simple purchase of 22 Pleasant Street.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Refer to the Sponsor**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **October 1, 2019**

MOTION
Requires a Majority Vote

Move that the subject matter of Article 26 be referred to the sponsor

Information Provided by the Sponsor

Access to the Hunnewell Park fields was been revoked by the owner of 22 Pleasant St. on November 28, 2018 effective as of the earlier of 12/01/19 or sale of the property. The Board of Selectmen and Town Administration received this letter, return receipt registered mail, in early December 2018.

The acquisition of surface and air rights easement is the only cost effective way to assure access to Hunnewell Park. Although a gift of access is theoretically possible, reliance on a possible gift is a bad strategy. There can be no assurance that a gift of access would be given. There is also no assurance that a gift of access is possible either on a timely basis or ever.

The issue of access was extensively analyzed by the 22 Pleasant Street Study Committee in 2014. The report which included the key findings on access is available. The key findings from the 2014 committee work – which were analyzed and written with the assistance of Town Counsel - are: 1) The Town has no right of access through 22 Pleasant St. 2) The Town cannot obtain access by asserting adverse possession or prescriptive easement.

3) The Town cannot use any form of zoning or special permit or variance to trade for access rights. Such would be an illegal use of “police power” with serious US constitutional issues involving land takings without compensation. 4) The Town's only possible existing access connection is a 15 foot wide cart path that extends 382 feet from Pleasant St to the Hunnewell Park dirt and gravel lot. 5) This 15 foot wide corridor is actually 12.5 feet because the stone wall is on the 15 foot wide strip of Town land. Either way, it is too narrow for two vehicles to pass and is located too close (4 feet+/-) to the driveway of 22 Pleasant St to be a safe means of access and egress. 6) The Town's zoning bylaws and other regulations could actually be used against the Town if the Town were to try to create separate or joint access.

Without access, the Town's ability to use Hunnewell Park and its ballfields is seriously impaired if not ruined. Because of the threat to the Town's ability to use Hunnewell Park, the Recreation and Parks Commission and the citizens sponsored this article.

The Comprehensive Surface and Air Rights Easement would take all of the beneficial uses of 22 Pleasant St but would avoid the underground contamination. Such an easement is a traditional solution when there is something underground that the buyer (us) doesn't want or something valuable underground that the Seller does not want to give up.

The acquisition costs under this article are fairly fixed and do not have permitting, litigation or additional damages risks. The existing driveway would be used but only by the Town. This driveway is covered under zoning. Properly negotiated or even coordinated with an eminent domain taking, the current owner would be able to remove the underground contamination which necessitates knocking the existing building down. The current owner could remove the contamination and get their family/company out of likely future environmental liability. An activity and use limitation i.e. for parking over any area of current or former contamination – similar to the Rail Trail and Mechanic Street, could ensure this. Properly negotiated, this Option Warrant Article Questionnaire Non-Standard Town Agency Articles The information provided here is considered a public record. Page: 11 Version 2.0 Rev. 02/18/2019 4 could result in the cleanup of underground contamination next to the Charles River. This is something no other option provides.

Information and Discussion of the Finance Committee

- Questions

- My understanding is that if you acquire air rights, you acquire rights all the way to the heavens and all the way to the depths of hell, so I noted the use of the “comprehensive surface and air rights”. If I understand correctly, the responsibility for cleaning contaminants is the owner of the property and should the town buy this property without cleanup, the responsibility for cleanup would fall to the town.
 - The sponsor said that he is not a lawyer, but it doesn't mean to the center of the earth. That was the purpose of writing the article this way, as I understand it. In terms of the soil underneath, I'd like to hold off answering that question until after the DEP visit with us next Monday.
 - The sponsor of Article 25 said that air rights are a recognized separate estate than land. Examples of air rights would be the Prudential Center and Star Market over the Mass. Pike. Those are separate legal interests from the ownership of the land, which is held by in that case.
- In this article, I read a reference to contamination cleanup. If I understood that, correctly, is my understanding that Natick would not be responsible for any costs associated with contamination cleanup now or in the future correct?
 - That's a little bit muddy. Again, I want to wait until I've had conversations with the DEP. They have not sent me anything in writing. And that's why I invited them to come out to meet with see us next week at our meeting. I don't mean to obfuscate. but my understanding is based on a conversation with DEP that I'm not comfortable presenting here as fact, pending our discussion with DEP. But my understanding is that if the building came down and the property was capped by pavement, that we would be in the clear.
- Has anyone given consideration In terms of leaching or seepage or the potential for that in the future? And what effect that would have – even if it's capped and the contaminants reached the river.
 - Based on my conversation with the DEP the answer is that the chemical that they are most concerned with underground is currently using the building as a chimney, as a flue, if you will, and it's drawing vapor into the building. The groundwater is not currently where it needs to be. It was intimated to me that by taking the building down and capping the previous structure we're not going to make the situation worse.
- Are you indicating that the DEP is going to play a role in determining who is responsible for contamination cleanup?
 - No, not at all.
- Then, why do we have to wait for the DEP to determine who is responsible for the potential contamination, even though when razing the building and capping it shouldn't have an effect? Couldn't you explicitly state who is responsible for cleaning up potential contamination.
 - Let me answer your question this way. Based on the information that I'm hoping to receive from the DEP next week, it might be unnecessary based on the reports that have already been written.

- The authorization to acquire 22 PS was originally approved two plus years ago. Can someone describe for me the difference in town finances today with respect to its ability to borrow or spend money on this project?
 - Town Administrator: While I was not here when this authorization was approved by Town Meeting, I'm well versed in what's transpired in the last five years. The financial situation in the town has changed since we have undertaken at least two signature projects – the Kennedy Middle School and the West Natick fire station. While those were on the horizon, the actual borrowing cost was not known at the time. The current situation is available and is a four year forecast that indicates that we have to prudently plan for all of our capital and this \$3.2 million is not currently in the budget forecast. And when you were looking at forecast, you will note that on slides 31 to 33 that FY22, FY23 and FY24 are in parentheses.
- My recollection when we were negotiating the 22 Pleasant Street acquisition that the cleanup was part of the negotiation. Is that true?
 - The Chair of the Select Board: Yes
- Is it also true that the owner of 22, Pleasant Street came back and asked that the town pay additional money above the \$3.2 million to do that cleanup because environmental studies indicated that the environmental damage was much more severe than he had anticipated.
 - The Chair of the Select Board: I believe the request by the owner for an additional \$200,000 was to enable the building to be removed to further expedite or facilitate the cleanup.
- If the spending of the FAR bonus money were to be done in the manner described in the cost analysis what would the effect be on the town's ability to buy any other open space after this is done?
 - Town Administrator, said using FAR money would diminish the town's ability to purchase other open space. The use of this FAR would be a significant
- What would be the cost of taking down the building and capping the site and who would bear that cost?
 - Sponsor: The original letter of intent had the current owner bearing the cost.
- And, the current status – would the town own it.
 - Sponsor I don't know that we've enumerated that. I would hope that we would not own it considering there's already precedent since the owner agreed to it once before.
- I'm looking at a couple different pictures and maps and it looks like the 22 Pleasant Street property doesn't go to the water's edge.
 - Co-Sponsor for Article 26: 22 Pleasant Street goes to the center line of the river which are water and property rights, which you can no longer acquire today.
- Is the cap is going to go over the currently constructed footprints of the building
 - Sponsor said that the cap would cover the building footprint and the driveway and parking lot around the building.

- Are there known contaminants beyond the driveway and the building is there towards something especially towards the water's edge.
 - Sponsor: I'll be better able to answer that after we meet with DEP next week.
- The nursery school presently uses the parking lot. Given the termination letter, after December 1 2019 how would be able to plow it.
 - Town Administrator:: Decades ago, access to the fields was through that cart path and excess snow was routinely dumped there. Town vehicles use the cart path and would reach the lot that way.
- Does the Natick LL used the Hunnewell fields exclusively.
 - Town Administrator:: There are other organizations that the town partners with in the summer that also use those particular fields for summer camps.
- If a house lot has a dilapidated structure on it that has to be removed, that house is now worth less money. Given that the 22 Pleasant Street has a very serious environmental problem, if the town were to take the property by eminent domain, does the town have the legal liability for any pollution on the site.
 - Sponsor: As I understand the law, if we acquire the property by eminent domain, and it's our property, and we become liable for any environmental remediation required. However, acquiring surface and air rights by any means doesn't absolve the town from liability for contamination under the surface. Eminent domain was written into the article to not include it, if necessary. We specified air and surface rights because that would place us second in line if the DEP were to come after us for some sort of violation.
- Is any estimate of the cost to remediate that site.
 - Sponsor: From the discussion I had with DEP environmental remediation is probably not necessary if removing the building and capping the property.
- The razing the building and paving it over had a cost.
 - Sponsor said that he couldn't estimate the cost until he knew the actual surface area to be covered following demolition. This could be part of the negotiation between the Board of Selectmen and the current owner.
- Do we know whether FAR money can be used for the purchase of surface and air rights as opposed to outright acquisition.
 - Co-Sponsor for Article 26:said that it was permissible.

Debate

The transcription of the debate portion of the public hearing is not available in time for it to be included in this book.

Other Information of Relevance to Town Meeting

Please refer to the information under Articles 12 A2, 9, and 26 for additional information on the totality of the Hunnewell articles under this warrant

End of Article

ARTICLE 27
Real Estate Transfer Surcharge In Support of Affordable Housing
(Natick Affordable Housing Trust Fund)

Article Language

To determine whether the Town will authorize the Board of Selectmen to petition the General Court for special legislation that would impose a real estate transfer fee to be used by the Natick Affordable Housing Trust for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town, or take any other action relative thereto.

Purpose of The Article

The purpose is to provide a robust funding source for the implementation of the mission of the Natick Affordable Housing Trust that is independent of the tax levy.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Referral to Board of Selectmen**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **October 1, 2019**

MOTION
Requires a Majority Vote

Move to refer the subject-matter of Article 27 to the Board of Selectmen

Information Provided by the Sponsor

Financial support for the Natick Affordable Housing Trust has only become part of the Town budget in the last three years, and the Town has thus far been unable to provide

funding at a level which would allow the Trust to make significant inroads into Natick's affordable housing needs. Implementation of the proposed real estate transfer fee would provide substantial funding, and at the same time would remove Trust funding from the tax levy.

Natick's need for affordable housing is well known and well documented in the Housing Production Plan and the Master Plan; the Town has managed to bring its Subsidized Housing Inventory (SHI) above 10% by requiring multiple-unit developers to include affordable units in their complexes. But 'affordable' has different meanings: the Commonwealth has one definition, the Federal government has another, and reality – what low-income individuals and families can actually afford – is different still.

The transfer fee being proposed would be imposed upon real estate transactions with a sale price of \$650,000 or more, The fee would be one half of 1% on the amount in excess of \$650 K. So, if you have a \$750,000 sale, one half of 1% of \$100,000 or \$250 that would be paid by the buyer of a house.

Instead of putting the burden on the town, we will put the paperwork burden on the conveyancing attorney (seller's attorney) who will be responsible for calculating this fee just as they calculated the land certificate, water bills, and other fees in the closing and purchase transaction, This takes the burden away from the town. The closing attorney will now send the money to the town just like they would for real estate taxes or a water bill. The town's responsibility now is just to accept those funds and put them in the Trust's possession. The town still has to receive the funds and have some sort of accounting function.

The Trust seeks to provide housing that is affordable in the latter sense, but can only do so at funding levels substantially greater than those currently afforded by the Town. In addition, the Trust's efforts support the housing needs of under-served populations through projects targeted at this purpose.

Barnstable Nantucket and Dukes counties impose a transfer tax of \$1.56 per thousand (over and above the State's \$4.56/thousand), and Somerville and Concord both have bills currently before the State legislature to impose the sort of fee we contemplate. Concord (which also receives Community Preservation Act [CPA] funds) seeks to impose a 1% fee on all residential transactions in excess of \$600K: we propose 0.5% on amounts over \$650K.

To the best of our knowledge, the proposed motion and implementation do not conflict with any Town By-laws, financial and capital plans, comprehensive plan, community values, or relevant state laws and regulations. Regarding cost implications to the Town: current funding of the Trust would be removed as a line item on the budget, freeing up \$50K-\$80K of the tax levy to be used for other purposes.

If the Article fails to be approved at Town Meeting, the Natick Affordable Housing Trust will continue to seek funding from the tax levy, and the projects it undertakes will remain commensurate in size and scope to this level of funding.

Information and Discussion of the Finance Committee

Questions from the Committee:

- Based on past years, how much revenue this would generate.
 - The last year that the assessors were able to give me complete data on residential sales was 2017. Had this fee been in effect in 2017 it would have raised \$183,000. It would have affected 100 homes or 30-35% of residential sales that took place.
- Do we know what percentage of residential properties currently have an assessed value over 650,000?
 - Could only provide information on average sales price, not assessed value.
- When you net this out, this is a tax on people buying homes in Natick to fund the construction of new affordable housing in town. Given that, would any of the guidelines and eligibility criteria for a buyer to purchase those affordable buildings, can it be limited to just existing residents of the town Natick or would it be open to anyone who chooses to apply?
 - This came up at the last Affordable Housing Trust meeting. It's really dependent on where and to what extent public subsidies are involved in the project. Fair housing regulations dictate that you cannot completely limit affordable housing projects to residents of one town, but you can establish minimum percentages,
- Has any bill like this been filed with the Mass. legislature?
 - To the best of our knowledge, it's only been done on the basis of a home rule petition. The approval process is quite involved. First, we need to get Town Meeting approval, then it needs to be approved by the state legislature, then it comes back to Town Meeting for approval to put it on the ballot as an initiative, and voters decide whether or not to support it, so it's four steps. Trust members wanted to get this going because it is a lengthy process, did the research and reviewed the idea with others, receiving constructive criticism to get to the point where we think it's a very workable proposal.
- Where does the \$650,000 threshold come from.
 - The AFHT worked backwards from a revenue projections that was thought to be appropriate for the Trust. The two variables are the percentage, where we picked a very low percentage, and the threshold. The \$650,000 seemed to be appropriate based on the average selling price, the number of sales and the revenue that it would generate for the Trust. Based on the 2017 figures, the Affordable Housing Trust's balance is about \$180,000 and our yearly line item in the town's operating budget is about \$80,000.

- There isn't anything in this article that ties this threshold to any other particular metrics and asked if the percentages of homes become more expensive, would you increase the rate or if house prices drop would you lower the threshold.
 - The Trust did not want to add another level of complexity that is not needed to get this off the ground. It can be re-examined in the future to see if that number requires changing.
- It was noted that the wording of this article indicates that it must be supported by the Board of Selectmen in order to move forward. If, for whatever reason, they do not approve it, they would not have to petition the general court.
 - The sponsors confirmed that this was correct - the article requests that the Board of Selectmen authorize it.
- Would multi-unit apartment buildings would be considered residential property.
 - Yes they would be considered residential property.
 - For mixed use property there would need to be have assessment of the value in the residential portion and the value in the non-residential portion.

Debate:

- I applaud the effort to identify creative means by which department creation affordable housing in town, and certainly think that this is a step in the right direction and certainly warrants full and complete vetting. There are a number of issues here that come up through the conversation so far as definition of the criteria within this article which is always going to be the case when we are the first community in the Commonwealth to put something of this type in place. Given that the authorization is to the Board of Selectmen is to petition the general court, that's the appropriate place for it to be referred. It gives them the authority and the ability to consult and interact with anyone else. I think if we can get this tightened up, it might go to some a better position to give consideration.
- The member thanked the proponents for bringing this to our attention. It's a creative solution, but I do think there is more than needs to be done with this. Not just in terms of understanding the impact on the on the community and whether there is an appetite for this. As you know, the CPA years ago failed in Natick, I really would like to get up get a sense of the community that this is something they would get behind and support. And I also think that my colleague mentioned that there's some things in here, specifically related to definitions where the language needs tightening up before it will be anything that would be able to get submitted to the general court. And I think the Board of Selectmen is the right organization to look at this some in more depth, and hopefully we can see something come back to us in spring
- The member commented that he'd like to encourage the AHT not to be discouraged by this. Affordable Housing is a very needed thing. Seniors really need something that can fall back on set up another town. So we really do need more affordable housing. So please don't give up on this.

- Another member stated that they shouldn't be discouraged. This is the first step and is a very good concept. I think there are some things that have been identified that we can work on to make it better. The objective is really solid here. We want to keep away 40B projects - Chrysler Road is not what we want anywhere else in Natick. On hostile 40B projects, the Planning Board has zero control over what they can do about anything, any remediation or any other requirements. The process is a long process so I'm glad this work has begun. I think you don't want to do attempt this several times. Please go back, work on it, get it corrected and give it your best shot. One of the data points that one of my colleagues talked about was getting a feel for how much of the town is behind this before you wave the flag and put it on the ballot. You need to understand how many people are behind this. And they recognize the need for affordable housing as builders do not typically build affordable housing unless they are required to do so through encouragement and/or zoning bylaw.
- This member also supports this and thank you for bringing this forward. I have some philosophical differences with the approach on how to fund affordable housing. I think what this does is that while I'm in support of affordable housing, I think this particular approach puts inequity in the picture. We have a community-wide responsibility for creating affordable housing. This approach puts the onus on few people that are selling as entrance and exit fees to pay for this. If you want the town to support this, let the entire town support it and not punish the people who are putting their blood, sweat, and tears into a major piece of equity pay for this particular act. We talked about the dollar amounts, yes, the dollar amounts to many a small but the an elderly person, Any amount of money that you're taking out of their equity is not small. I also think it also subverts the budget process. And then as far as the administrative burden, I read a number of articles about this about some towns that were looking at this, I still think that the administrative burden on towns is going to be a lot more than what is anticipated. I think it needs to be debated. And it's why I'm in support a referral rather than voting it down. I think we need to talk about it more, I think it needs to go in for a Town Meeting. I was sitting on this board when we did talk about the CPA and it had a lot of loud discussion, For many of the same reasons is that I think the community needs to sign up for this as a whole and not let it be an inequitable transaction based on you having a house that's over \$650,000 that the town wants to have, or the affordable trust wants to take a bite out of your equity. I just don't like the philosophical standpoint of that. Thank you,
- Another member also applauds this idea. I think it's a great approach to have some sort of self-funding source for the development of affordable housing in a town, in particular one that's not dependent solely on the goodwill of a developer. And as stated earlier, that goodwill of a developer doesn't show up. And so it's nice to have some other source for those kinds of funds, especially when it's a modest fee on homes that are already priced beyond what would be typically considered an affordable purchase price.
- A different member stated that various speakers have mentioned some various issues. It could even be an argument that said that the number is set of \$650,000 should be \$2

million, so that residences or at least family residences would be exempted. It was said that you were looking for a consistent income flow. And yet, if an apartment building were sold, it would be a huge amount of money coming in. If there was an apartment building sold, and even then the question is, what does it mean to sell apartment building a, Company A buys the apartment building and Company B, it's pretty clear. If Company A buys Company B, Is that a transfer. But if a \$50 million apartment building were sold, That would be a huge one time block of money come again. And most organizations don't deal well with huge one-time cash infusions. So I think there's a lot of a little bit more study, examination or this that that's required to look at all the possibilities. But if somebody said maybe making it a line item budget, where it's there a line of budgets now that are basically free, I think making the town say this is worthwhile not just an automatic of concerned about automatic fees pop up.

- My fundamental problem with this is that it was often said, Well, since we don't have CPA money, we need to go this route. But the problem is 3220 people voted against the CPA - 60% of the voters that election voted against it. So they say well, we're going to do an end-run around that vote and come up with this way. It just right off the wrong way. So, you know, there's that issue their previous speakers talked about with lots of money. And, you know, it's whatever is that, you know, \$120,000 in revenue now, we were placed by at least under \$18,0000, based on the 2017 figures, and given the fact that real estate prices only seem to go up slightly that you might have enough revenue you'll be receiving is substantially would be substantially more than the hear that. Well, we actually want to keep that \$80,000 line item.
- I think that there a lot of thought went into this process. I think some things do need to be fleshed out and I support referral. I'm just going to run through a few things for ideas to think about going forward. First - the mechanisms as to how the fees are collected, then it's been stated it's going to be the closing costs for there is going to do that. This isn't going to be a standard fee - it's usually part of closing. A lot of closing attorneys have standard forms. There are going to be at times where this slips through the cracks at closing. I'm just speculating because there's no evidence. That said, there's going to be a lot more town administration concerns as to what happens after that does fall through the cracks that become title issues going forward such as liens on properties going forward. And then that quickly adds more burden on the town. The other thing that really needs to be defined is what we consider to be residential real estate. Banks are usually considered residential real estate as 1-4 families, beyond that is commercial property. This takes just all residential properties. Mixed use properties typically don't have an appraisal or standard that that bifurcated the commercial part compared to the residential parts usually looked at in some conjunction as a whole property. There are processes to get valuations for those. But there's different approaches you have income approaches sales approaches, cost comparison approach. We need to home in on that to figure out how you're going to value mixed use or whether your entire property components only if you are looking at residential properties only how you can do that whether it's a square footage basis. The other thing is better definitions of exemptions. I'm also concerns about transfers

to other family members and what that actually means. Other things to consider a trust LLC conversion. The other thing to consider is simple condo conversion, does that trigger this when you go from apartment condo? Or is it specifically transaction based. And So again, these are some of the exemptions you might want to consider. I'll just mention a couple really quick numbers that I just pulled up quickly. Currently, amount of points below since everyone else likes to use Zillow here, and it's pretty accepted, this would apply to 58% of homes currently listed for sale in Natick, not a small amount of the homes that are currently for sale in town. I applaud you on the work that has been done thus far and it needs further refinement.

- I hope to see this with a whole lot of work done to tighten some things up that have already been mentioned. You might want to make the presumption that family member need to prove their familial relationship. This is something that is important for this town and is important for quality of the life of everybody whether they're exempt from this fee or not. Because the way the way we got after CPA went down, we got to where we're exempt now from 40B was due primarily to 40B projects and we can easily go back there if we don't make the effort to create more affordable housing stock. Or we can all participate somehow. And I would love to see you come back with this. Drop the threshold make more people contribute a smaller amount. I think the impact of not qualifying and of letting 40B continue to be the only thing that exempts us is something that we're not really reckoning with here. And this is done right – this is a way around that. I think it's not the CPA, it is not as unfocused, it is focused on a particular and important need. I look forward to supporting it when it comes back really tightened up.
- A couple quick points I want to add to give you some thoughts on things: “Purchaser” needs to be in section one if that's what your intent is, because it's not there. Clearly the definition of residential property is exceptionally critical. I would ask you to at least look into some ways to do one of two things around the price that you're using the dollar amount. \$650,000 is good today. The average selling price based on what you said was \$590,000 from a couple years ago. My instinct tells me it's higher than that. I suggest that you look into an indexing approach, or have language in here that requires this to be looked at every x period of time, like three or five years. Because in the town of Natick, if half qualify now, in three years, three quarters will qualify. And maybe that's good, on the one hand, but maybe that's not good. I don't know what the intention would be. We talked about the transfer between families. I think that's pretty important. I also encourage you to think about having a section that provides definitions because this is a standalone item and not a zoning bylaw where we can go to the definitions in the zoning bylaw book. You either need to reference what a residential property is in this article or you need to reference it in some other specified place. There are a lot of important things that need to be defined here. And I would ask you to spend some time doing that.

Other Information from the Public Hearing

Ms. Erica Ball, Town Meeting member, and member of Natick Housing Authority (NHA) said that the NHA and AHT have cooperated in several prior ventures and it has been a successful collaboration. The thought of creating a stream of funds that the AHT could use to supplement the amount that the town provides to it is a great idea and the fact that it doesn't come out of the tax levy is an even better idea. The need for affordable housing is great in this community and that the contribution the taxpayers make is small by comparison. I think this mechanism can provide a fair way to increase the supply of affordable housing.

Mr. Townsend, Deputy Town Administrator-Director of Finance noted the potential impacts this article would have on this department. He stated that when he saw this initially, he was concerned about the paperwork they would impose especially on the Collector's office. There are only four individuals, and any additional responsibilities to those folks would not benefit the town. He indicated he had productive meetings with the sponsors and a lot of the concerns that I have been resolved by shifting responsibility to collect the paperwork to the closing attorney. There is one particular remaining item that concerns him- one of the exemptions is for family members, Unfortunately, the town would have a hard time trying to determine whether a person is a family member.

That's probably something that needs adjusting here, to ensure that we have a particular bill that is enforceable so that the town has the ability to collect it. And, what happens if the closing attorney does not actually pay the fee before the filing of the property. Then, the onus would be on the town to collect that fee via Tax Title. Mr. Townsend said that is confident that 130 -140 transactions of this type per year would be handled well handled by the parties to the particular transaction. The town would have an additional workload with respect to collections on this, but we're reasonably satisfied with the answers that we've received from the Trust.

End of Article

ARTICLE 28
Land Area of the Town and its Makeup
(Julian Munnich et al)

Article Language

To see whether the Town will vote to establish a study committee of Town Meeting, appointed by the Moderator, to address, research, study, analyze, and recommend action regarding: The true gross land area of the Town and its makeup by statutory, regulatory, and ownership components; including but not limited to the total land area zoned for residential, commercial or industrial use as pertains to MGL c.40B §§ 20-23, 760 CMR 56 and/or related guidelines issued by DHCD or any office of the Commonwealth or established in any legal proceeding; and, without limitation:

- 1) To establish the number and/or qualifications of committee members to be appointed;
- 2) To establish the charge of said committee including, but not limited to:
 - Identify any and all components of the calculation and all individual parcels or acreage owned by the United States; the Commonwealth; or any political subdivision thereof; the Department of Conservation and Recreation or any state public authority; or where all residential, commercial, and industrial development has been prohibited by deed, decree, zoning or restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A; or is dedicated to conservation or open space whether under control or ownership by trusts, corporations, partnerships, private parties, or otherwise; or is contained in the Subsidized Housing Inventory; and the size of all bodies of water located within Natick;
 - Gather any other information necessary to analyze, evaluate, and calculate the Town's position relative to sites potentially comprising one and one half per cent or more of the total land area zoned for residential, commercial, or industrial use.
 - Identify and recommend any zoning changes or other actions that might strengthen or improve the Town's position relative to meeting or exceeding any statutory or regulatory tests and criteria;
 - Report its findings and recommendations to 2020 Spring Annual Town Meeting or such other date as Town Meeting shall establish provided, however, that this shall not preclude any preliminary or earlier report(s) to Town boards, committees, commissions, or to Town Meeting;
- 3) To authorize said committee to develop a database of properties to be included in and/or excluded from either the numerator or the denominator of any statutory calculation;
- 4) To provide that said committee shall have access to Town Counsel and to Town staff, including but not limited to the Community and Economic Development, DPW (GIS), and Finance (Assessors) divisions and may utilize the services of outside consultants;
- 5) To provide for a method to engage any such outside consultant or other vendor including, without limitation, a reserve fund transfer by the Finance Committee;

- 6) To see what sum of money the Town will appropriate to accomplish the purpose of said committee;
- 7) To set the term of said study committee to expire upon the dissolution of 2020 Spring Annual Town Meeting or such other date as Town Meeting shall establish unless otherwise extended by Town Meeting;
- 8) Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant;

or otherwise act thereon.

Purpose of The Article

At present The Town of Natick does not definitively know what its size by land area is. Importantly, the component parts, by zoned use, are even less accurately known due to the vagaries of lakes, river, and wetlands and actual area of land available further reduced by conservation restrictions as well as ownership by federal, state, and municipal entities. Knowledge of the size of these component parts is fundamental to being able to concretely consider Land-Use, zoning, and economic development.

Finance Committee Recommendation

The Finance Committee took the following action:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 3, 2019**

MOTION

Requires a Majority Vote

To establish a study committee of Town Meeting, appointed by the Moderator, to address, research, study, analyze, and recommend action regarding: The true gross land area of the Town and its makeup by statutory, regulatory, and ownership components; including but not limited to the total land area zoned for residential, commercial or industrial use as pertains to MGL c.40B §§ 20-23, 760 CMR 56 and/or related guidelines issued by DHCD or any office of the Commonwealth or established in any legal proceeding; and, without limitation:

To establish the number of committee members as five (5);

To establish the charge of said committee including, but not limited to:

- **Identify any and all components of the calculation and all individual parcels or acreage owned by the United States; the Commonwealth; or any political subdivision thereof; the Department of Conservation and Recreation or any state public authority; or where all residential, commercial, and industrial development has been prohibited by deed, decree, zoning or restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A; or is dedicated to conservation or open space whether under control or ownership by trusts, corporations, partnerships, private parties, or otherwise; or is contained in the Subsidized Housing Inventory; and the size of all bodies of water located within Natick;**
- **Gather any other information necessary to analyze, evaluate, and calculate the Town's position relative to sites potentially comprising one and one half per cent or more of the total land area zoned for residential, commercial, or industrial use.**
- **Identify and recommend any zoning changes or other actions that might strengthen or improve the Town's position relative to meeting or exceeding any statutory or regulatory tests and criteria;**
- **Report its findings and recommendations to 2021 Spring Annual Town Meeting or such other date as Town Meeting shall establish provided, however, that this shall not preclude any preliminary or earlier report(s) to Town boards, committees, commissions, or to Town Meeting;**

To authorize said committee to develop a database of properties to be included in and/or excluded from either the numerator or the denominator of any statutory calculation;

To provide that said committee shall have access to Town Counsel and to Town staff, including but not limited to the Community and Economic Development, DPW (GIS), and Finance (Assessors) divisions and may utilize the services of outside consultants; To provide for a method to engage any such outside consultant or other vendor including, without limitation, a reserve fund transfer by the Finance Committee;

To appropriate the sum of \$5,000, from Free Cash, to accomplish the purpose of said committee;

To set the term of said study committee to expire upon the dissolution of 2021 Spring Annual Town Meeting, unless otherwise extended by Town Meeting;

Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant.

Information Provided by the Sponsor

The sponsor provided a detailed overview of the proposed motion contemplated under this article.

- Article 28 is a study committee proposal by private citizens that's designed to define Natick's land area
- The basic premise for a need for this study committee is a lack of fact and agreement in town or state records as to what the gross area of the town is (numbers vary between 15.99 to 16.03 square miles).
 - This is important for a town as built-out as Natick since we're in policy discussions such as whether to expand our industrial base.
 - The most pressing issue is that is an important component of finding out if Natick has satisfied one of the listed criteria for "safe harbor", in c. 40B, the state statute that requires municipalities to create affordable housing per a scheme established by the state, a program that defines it by percentiles of regional income and other tests.
 - § By the other major tests of safe harbor, Natick is barely above the minimum percentage of the housing stock that is affordable (10.4%).
 - § In recent years, Town Meeting supported Articles that required multifamily or multi-unit housing be created, such as assisted living, 62+ housing and other housing inclusive of c.c. 40R, the Modera/Paperboard project.
 - § All those projects require more than 10% affordable housing so Town Meeting has taken on responsibility of keeping the town over 10%.
 - § There are many developments that could occur such as subdivisions and duplexes being built on land zoned for two-family where previously it was single-family.
 - § There is a possibility the town may dip below 10% in the 2020 census. The town will most likely be exactly on or within one or two units of that 10% percent threshold.

The importance of establishing whether we have an alternative safe harbor, is critical. 72

- If we remain in safe harbor the town can address the needs of affordable housing in precisely the way that has been discussed over recent years and not by state formula or state scheme which creates housing below the 80th percentile that offsets what is referred to as "market rate housing" which the state mechanism does not allow communities to do.
- The test of area is the 1.5% test of land. The land area of current affordable housing is the numerator of the equation; the denominator is the land available to be developed.
- If affordable housing takes up 1.5% of the denominator of available land you have met that test.

- It would be a shame, however for us not to understand whether we have a safe harbor in the 1.5% test so we can concentrate our efforts, not on disputing bad c. 40B projects, but concentrating on good projects that address community needs.

Information and Discussion of the Finance Committee

Questions from the Committee:

- What demand this study would put on the town's GIS resources.
 - It wasn't anticipated much demand during the first six months of the study where the focus would be on collecting the questions to be asked. The first question would be whether the town GIS the town has in place is one that interfaces with the state of MA requirements which are in the "proper" GIS format for land area reports. This is probably a question that the town should be asking itself anyway. Last year, town administration has said that they were planning to upgrade the town GIS software.
- Would the sponsor know by 2020 Spring Town Meeting whether he would need to have additional money to do this study.
 - They would know whether the town's GIS software was aligned with the MA State standards or not and what the cost would be to bring it into alignment. At that time there also may be a number of legal issues that would need to be reviewed by Town Counsel or special counsel.
 - Much of the information already exists and needs to be integrated. In 2012, for example, the town did a comprehensive report for the Open Space and Recreation plan, but that report was not written for how the town might use land for schools and industrial use.
- There are a number of moderator-appointed committees and whether there is sufficient volunteer expertise to form this study committee.
 - There has been considerable interest among co-sponsors of the study committee but couldn't comment on their commitment to serve on the study committee.
- It was mention that there are several appointed committees have noted the need for access to Town Counsel and asked what the potential costs of legal fees for this study committee would be.
 - This committee will be less demanding on Town Counsel than some of the prior committees I've served on (i.e., 22 Pleasant St. Study Committee) that had many technical issues where a a legal opinion was required. Access to Town Counsel is included as a precaution. Most of the legal and technical questions would be sent to state agencies.
- Are there any documents that indicated the amount of the town that is bodies of water and wetlands.
 - The Massachusetts Water Resources Authority (MWRA) does identify that number, but he didn't know what their number is based on. It was reiterated that this number influences the state of MA's housing density value for Natick. The state compares the number of housing units in

Natick compared to how many acres there are in town and (erroneously) thinks that there is more open space in Natick than there is. Having accurate data from this study helps the town push back against the state with its information.

- Have other towns have done this type of study.
 - Many communities know how big they are since they tend to be more urban areas. He added that one of the curious arguments against this study committee has been that no one has been successful in using this measurement to stop a 40-B project. Natick approved a 62+ development and its zoning bylaws use floor-area-ratio (FAR) as a transferrable development right to help acquire open space in town and to make sure the town has funding for affordable housing projects. Natick also worked with the state to develop 40-R (smart growth overlay project at Natick Paperboard).
- Are there consulting firms that do this type of work.
 - There are consultants who attack this entirely using GIS tools and there are other consultants who augment the GIS tools by looking at land use. At the first stage, I don't think we need to hire consultants.
- It was asked whether Metropolitan Area Planning Council (MAPC) studies would be useful.
 - No because they tend to be amalgamators of existing information.

Debate

- The town will benefit from having complete and accurate information.
- The information provided by this study will better inform citizens and developers and provide data to help plan smart future expansion.
- This should have been the first step in developing the town master plan.
- We have a lot of talented, conscientious people in town and would urge the Moderator to be judicious in choosing the members of this study committee.
- The arguments against this at the previous Town Meeting presented it as something that it was not. I would urge members of the Finance Committee to defend it.
- My concern about the previous version of this proposal at the previous Town Meeting was eradicated from this version and can fully support this now.
- The member supported it at 2019 Spring Town Meeting and will support it at 2019 Fall Town Meeting. There may be people who say this is a burden on our GIS resource. However, there are hundreds of GIS contractors who do this kind of work. Some may argue that GIS systems are inaccurate, but that is very dependent on the quality of the GIS software. The most important outcome of this study committee will be to understand the composition of the land in Natick – how much land area, water area, wetlands, etc.

Public Comments

Saul Beaumont, Town Meeting member, Precinct 10 thanked Mr. Munnich for all the work he has done on this article and to determine a baseline of facts.

End of Article

ARTICLE 29
Adjust Housing Density and Residential Parking Regulations in the Downtown
Mixed-Use District
(Ganesh Ramachandran et al)

Article Language

To see if the Town will vote to amend the Town of Natick Zoning Bylaws to adjust the density of housing permitted and residential parking required in the Downtown Mixed-Use District, to help achieve the following goals:

1. Encourage a mix of housing types and sizes, at a range of affordable price points;
2. Increase housing options for single-person households, empty-nester couples, veterans, people with disabilities, and long-term Natick residents who seek to downsize while remaining in Natick;
3. Encourage car-free, or minimal car ownership households proximate to the Natick Center Commuter Rail station, to reduce new demands on traffic and parking;
4. Support new businesses that enliven Natick Center and provide desirable restaurant and retail alternatives for residents and visitors.

Or otherwise act thereon.

Purpose of The Article

This article will achieve the objectives as stated in the article language by removing a density formula that limits opportunities for beneficial development and re-development in the Town center, and by removing a requirement that promotes greater off-site parking that is required elsewhere in Natick.

Please turn to the next page

Finance Committee Recommendation

The Finance Committee
took the following action on
Motion A:

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **9-3-0**
DATE VOTED: **September 24, 2019**

MOTION A
Requires a Majority Vote

Move to amend the Town of Natick Zoning Bylaws by replacing the text “; and” at the end of Article III-E, Section 2, subsection b-1-ii, with “.” and by deleting the entirety of Article III-E, Section 2, subsection b-1-iii, which reads

“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

The portion of the Gross Floor Area attributable to residential uses shall include i) corridors and common areas on residentially used floors, ii) storage areas for residential use, and iii) the proportional share of common corridors and common areas for all uses in a mixed-use building, and (iv) the square footage of residential units”.

MOTION B

The Finance Committee
took the following action on
Motion B:

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **8-4-0**
DATE VOTED: **September 24, 2019**

MOTION B
Requires a Majority Vote

Move to amend the Town of Natick Zoning Bylaws by deleting the following text in Article V-D, Section 3, subsection b:

“In a DM district there shall be one (1) space for a studio apartment, two (2) spaces for a 1 or 2 bedroom unit, and three (3) spaces for units having three (3) or more bedrooms, all of such spaces to be provided on-site. (Art. 45 S.T.M. April 7, 1987)”.

Information Provided by the Sponsor

The goal is to transform Natick Center from a token “Downtown Mixed-use District” to a truly inclusive “Downtown Neighborhood” that provides a range of accessible and affordable housing choices for a town where more than 20% of residents are over 55 years of age. By providing opportunities for appropriately scaled, mix-use development, we encourage investment in both residential solutions for people with few housing choices, such as Natick’s seniors, people with disabilities, and young singles and couples who have limited choices if they want to remain in our community. In addition, by scaling back on-site parking requirements so they are not greater than what is required outside of the DMU, we do make DMU development more cost-effective and less automobile-dependent.

Almost all “Housing Production Plans” developed for Metro West towns and communities (Wellesley 2018, Wayland 2016, Sudbury 2016, Southborough 2015, Ashland 2014), highlight need for housing options for single-person households, empty nester couples, veterans, persons with disabilities, and long-term residents who choose to “age-in-place”.

The Sponsor believes that this Warrant Article is not approved, the current density regulations is likely to encourage the production of larger luxury condos in the Downtown Mixed-use District. Any developer who chooses to work with strict limits on unit density, will seek to maximize the as-of-right developable area with larger units, making them more suitable for households with school-age children increasing automobile traffic in the downtown area. Such developments will come at a deep societal cost of a missed opportunity to implement regulations that favor the production of smaller units compatible with the needs and budgetary limitations of long-term Natick residents who choose to “age-in-place”, persons with disabilities and Veterans seeking permanent housing solutions.

Information and Discussion of the Finance Committee

X

Other Information of Relevance to Town Meeting

X

End of Article

ARTICLE 30
Amend Zoning By-laws: Creative Production Use Zoning Amendment
(Planning Board)

Article Language

To see if the Town will vote to amend the Zoning Bylaws to:

- 1) Add definitions for “Creative Production “to Article I, Section 200 of the Town of Natick Zoning Bylaw;
- 2) To determine which zoning district(s) such uses may be permitted By-Right or by Special Permit;
- 3) To determine intensity, dimensional and other regulations for such uses as may be permitted by right or by special permit and
- 4) To determine off-street parking standards and regulations for such uses as may be permitted By Right or by Special Permit;

or otherwise act thereon.

Purpose of The Article

This article will create a new definition in the zoning By-Laws for creative production and is like the Arlington Zoning By-Law that combine office, research, development and creative uses.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 19, 2019**

MOTION
Requires a Majority Vote

Move that the Town will vote to amend the Town of Natick Zoning By-Laws by:

1) In Article I, Section 200 – Definitions, add:

Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, fabrication, assembly, and packaging of ideas, concepts, theories or parts as intermediate production materials for further processing or as consumer goods for sale.

2a) In Section III-A.2 Use Regulations schedule:

Insert new uses 38C to appear on the Use Table as follows:

BUSINESS USES	RG	R M	RS	PC D	SH	AP	D M	CII	INI	INI I	H
38C. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises.	O	O	O	O	O	A	(*)	A	A	A	O

2b) In Section III-C (3) [HMII], insert new use to Uses Allowed Under an Overall Site Plan, as follows:

hm. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.

2c) In Section III-D (1) [LC], insert new use to Permitted Uses, as follows:

sr. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.

2d) In Section III-E (2a) [DMU], insert new use to Permitted Uses, as follows:

28. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.

2f) In Section III-G (1) [HMIII], insert new use to Permitted Uses, Site Plan Review, as follows:

j. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.

3) In Section V-D (3) Off-Street Parking and Loading Requirements add:

u) Creative Production – 1 space for every five hundred (500) square feet of gross floor area.

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

This article will create a new definition in the zoning By-Laws for creative production and is like the Arlington Zoning By-Law that combine office, research, development and creative uses. With updates to the zoning regulations schedule this would be allowed in the Downtown Mixed Use (DMU) and business zones and would permit use in the HM-II, LC and HM-III zoning districts and create a standard for off-street parking. The genesis for this article is recommendations of the 2030 Master Plan and recent permitting experiences in the community from the Community and Economic Development Department where similar types of modern uses have sought permission to locate in Natick. Natick's current zoning code does not cover those elements and this article fills that gap

Information and Discussion of the Finance Committee

Questions

- Where in Natick this would be used.
 - They are envisioning the DMU and business district as well as the East Natick Industrial Park and the Natick Business Park in West Natick. Those are two current industrial zones although I could see them in other commercial corridors as well.
- Did Arlington's modification created the type of zoning they were looking for.

- The modification has permitted some of these types of businesses there which made permitting those uses easier for them.
- It was asked if these types of creative production businesses are precluded now in the Natick downtown area.
 - They do not fit into current use categories easily so it creates a challenge for the Community and Economic Development staff to say whether they are allowed by right or special permit in the given zoning district.
- What would this zone would look like at five to 10 years from now.
 - It was opined that, depending on which zone you are referring to, it would help ease the vacancy situations we see. It would make permitting modern types of businesses that are attracted to certain areas easier and make those more vibrant and healthy.
- If this particular creative production area included combined living and working arrangements.
 - It does not at present; it might be better to include residential arrangements later based upon our initial experience with these types of uses.
- It was noted that we have had businesses in town under the definition of creative production and asked whether the town knows of businesses that have gone elsewhere or been turned away.
 - Have been told the Economic Development Committee has had trouble finding areas in Zoning By-Law to efficiently permit these types of use. Many of them do not fit in the current categories we have now. Ms. Evans added that the use table is what allows the Building Commissioner to determine what is permitted.
- If we start putting this use on specific districts and not others whether these businesses may be excluded from areas where they might have previously located.
 - This type of use is allowed or permitted on most commercial types of districts in town and if there are districts not included there will be opportunities to add them at a later date. The Building Commissioner has used his best judgment to place these uses into different types of zoning definitions; however it makes more sense to have a clear use category.
 - This is exciting because it is an indicator of the sorts of businesses that are interested in locating in Natick and we see a startup culture that is increasingly attracted here. When these uses are integrated in a process like this it is difficult to pick out which is the dominant and which is incidental this backs off from that and responds to the nature of the creative process increasing that we see at heart of the businesses.
- It was noted that the first definition of “creative production” in Section 200 talks about the actual performance of technologies available in these districts. The use

table talks about the same definitions of “creative production” but instead it is about environmental and similar issues that are confined to premises. Sections 2C and 2D add the qualification which says features generated are minimized and confined to the premises. Those words are left out of the other definition in the table.

- In most instances, there is a difference between the definition in Section 200 and which is the overall definition of the term and the language in the use table that will have some sort of constraint. If you look at other definitions in the use table, there is often a reference to noise, vibration and sound management. When creative production, as defined in Section 200, these specified things will apply. In a creative production site, these are the applicable environmental circumstances that apply in that zone. If someone meets the definition in Section 200 this is the charging instruction about what they may or may not do in these districts which is reiterated in the individual sections below. It is not uncommon for that language to be more regulatory for the use table as opposed to descriptive in the definitions.
- Within the applicability section is any mitigation in place since the term “creative” can be stretched in many ways. if some of these areas are not industrial because it is created?
 - The definitions in 38C, 2B, 2C and 2D where all the objectionable environmental elements are minimized and contained within the structure there is one limiting factor when impacting other abutting uses. Since this is a less intensive use than industrial uses allowing this in industrial zones allows current industrial zones to be modernized and less industrialized. It lessens the impacts on other industrial zones and does not increase impacts created by other commercial zones where these are permitted. .
- If a landlord owns a building with multiple spaces and rents out part of it, how enforcement of this bylaw would be affected. and what is the review process.
 - Where these uses are allowed by right and a business locates in a space, this is a change of use. As a new change of use, it is reviewed by the Planning Board under the site plan review procedure and the Zoning By-Law. If this kind of use is allowed by special permit, a special permit is required for that use in that type of zone and that special permit is granted at the discretion of the Planning Board.
- How does the process happens and how a business would be aware of it, if no town permits are needed.
 - When there is a change of use and there no town permits are needed, businesses must meet with the Community Economic Development for other various permits that triggers the Building Commissioner’s review for zoning bylaw compliance. If no building permit or other licensing element is required and they do not come in contact with the town. Occasionally, a business may move into a space and use that space for a different use and

we may learn about it belatedly. However, this rarely happens because landlords and business owners are aware that towns have a community set permitting process in place.

- It was asked if “adult-content”-related uses would be prohibited
 - The expectation is that the existence of the current adult regulations would cover that type of content but he will research this.
- A member stated that it was thought adult content regulations referred to live entertainment.
 - The definition of adult use covers more than live entertainment The first definition of **Adult Use:** An establishment: (1) having at least fifteen (15%) percent of its business inventory, stock in trade or other materials for sale, rental or display at any point in time, or deriving at least fifteen (15%) percent of its revenues from; or presenting for at least fifteen (15%) percent of the time the establishment is open for business, materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L. c. 272, § 31, such as but not limited to an adult bookstore, adult motion picture theater, adult paraphernalia store or adult video store.
- Could they sharpen the definition of adult use in a way it could not be legally over-turned, and it was agreed they would do so.
 - The Planning Board could increase the clarity at a future Town Meeting.

Debate

- This is an area of economic activity that Natick wants to keep its economy going and keep its commercial tax base valuable and this article aligns many processes and resources in the town for that purpose. These outweigh any of the concerns that the Finance Committee has raised which have largely been addressed.
- It makes the Building Commissioner’s job much easier as they do not have to invent a new use each time something comes up before them and makes it more uniform and defensible. Businesses have started up in town have grown larger and remained in town. For example, eXponent is a business that has expanded to another location in Natick. It’s worth providing businesses a good experience here so hopefully they will remain in Natick through their expansion and increase tax revenues.
- Gratified that all the expense, effort and time put into the Natick 2030+ master plan process that we are beginning to make some changes based on those plans to help the town be competitive as a community in 2030 and beyond.

- Fully endorses this but wonders if may be an article in the hopes those creative businesses will come in and fix an economic development problem we have. He'd prefer that the market fix those things rather than zoning changes and asked how we would measure the success of these changes.

End of Article

ARTICLE 31
Amend Zoning Bylaws: Specialty Craft Fabrication Zoning Amendment
(Planning Board)

Article Language

To see if the Town will vote to amend the Zoning Bylaws to:

- 1) Add definitions for “Specialty Craft Fabrication”;
- 2) To determine which zoning district(s) such uses may be permitted By-Right or By Special Permit;
- 3) To determine intensity, dimensional and other regulations for such uses as may be permitted by right or by special permit and
- 4) To determine off-street parking standards and regulations for such uses as may be permitted By-Right or by Special Permit;

or otherwise act thereon.

Purpose of The Article

This article establishes another definition for a new type of business use in Natick for Specialty Craft Fabrication that determines which zoning districts this is allowed by right and special permit as well as other regulations that govern such use.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: Favorable Action

QUANTUM OF VOTE: 9-1-0

DATE VOTED: September 19, 2019

MOTION
Requires a Majority Vote

Move that the Town will vote to amend the Town of Natick Zoning By-Laws by:

1) In Article I, Section 200 – Definitions, add

Specialty Craft Fabrication: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such activity involves on-site sales of goods produced, is conducted in public view as much as practical and requires no outdoor operations or storage, and where the production, operations, sales and storage of materials related to production occupy no more than 7,500 square feet of gross floor area. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking, ceramics production, jewelry manufacturing, small electronics production, beverage or food processing, including the distillation of alcohol. Specialty Fabrication sites may include a retail component, not to exceed thirty-three percent (33%) of the facility’s gross square footage, permitted as an accessory use, where goods and products produced on the premises may be displayed, sold and/or consumed. A seasonal outdoor area (i.e. a patio, deck or garden) is permissible as part of an accessory retail use in a Specialty Fabrication site, but shall not be included in calculating the retail use’s square footage for zoning compliance. Specialty Fabrication sites may also include other uses, such as a restaurant, if otherwise permitted in the zoning district.

2a) In Section III-A.2 Use Regulations schedule:

Insert new uses 38B to appear on the Use Table as follows:

BUSINESS USES	RG	RM	RS	PC D	SH	AP	DM	CII	INI	INI I	H
38B. Specialty craft fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises.	O	O	O	O	O	O	(*)	P	A	A	0

2b) In Section III-C (3) [HMII], insert new use to Uses Allowed Under an Overall Site Plan, as follows:

- m) Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.
- 2c) In Section III-D (1) [LC], insert new use to Permitted Uses, as follows:
- r) Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.
- 2d) In Section III-E (2b) [DMU], insert new use to Uses Allowed on Special Permit Only, as follows:
- 13. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from a residential district.
- 3) In Section V-D (3) Off-Street Parking and Loading Requirements add:
- u) Specialty Craft Fabrication without accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater.
 - v) Specialty Craft Fabrication with accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater plus 1 space for every thirty (30) square feet of public area reserved for the general public for the actual consumption of food and beverages.

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

This article is meant to define small artisanal enterprises where an artisan will produce goods that are sold on-site and, ideally, in an open environment where watching production is part of the entertainment value. This includes food and beverage processing uses including the distillation of alcohol and may contain a retail component not to exceed thirty-three percent of the gross square footage permitted as an accessory use.

Goods and products produced on the premises may be displayed, sold or consumed. It may include a seasonal outdoor area that is permissible as part of the accessory retail use, but that optional outdoor area shall not be included in the square footage for zoning

compliance. That type of accessory use may include other uses such as a restaurant if otherwise permitted in the underlying zoning district.

There are changes in the motion to Section 3A.2 the Use Regulation Table indicating where these types of specialty craft fabrication uses may be located. They are now permitted in the Commercial II (C-II) zone, industrial zones, the HMII and the Limited Commercial (LC) and other areas such as number of spaces per square footage for accessory uses. and permitted by special permit in the DMU zoning district.

The last part of the motion establishes the requirements for off-street parking for these types of uses – one for specialty craft fabrication without an accessory and one for specialty craft fabrication with an accessory use.

Information and Discussion of the Finance Committee

Questions

- If any type of shop is permitted to sell food and alcohol under this definition and/or would it require a special permit.
 - This bylaw would not cover this if the alcohol or food was not produced on premises.
- The East Natick Industrial Park has a lot of child-centered businesses and asked if there were any mitigations in place prohibiting businesses where alcohol is served from being located next to child-centered businesses and schools
 - The sponsor provided an example where residents at Town Meeting voted to modify the Zoning bylaws to allow a retail accessory use for a business currently allowed in the East Industrial Park under regulations that do not constrain its adjacency to childcare or educational premises.
- Is a restaurant considered a retail component and would it have the same space limitations.
 - It would be included under the retail accessory component. The intent is to have 2/3 of said space be for Specialty Craft Fabrication and up to a 1/3 for accessory uses.
- It was stated this was not clear in the definition
 - It was suggested a clarification by changing *retail or dining component* where it says “*Specialty Fabrication Sites may include retail or dining component not to exceed 33%.*”
- A member requested an example of a business that is unable to go into the zone today but would allowed to do so in the future if this article passes.

- An example is a small-scale glass blowing business in Providence where patrons can watch the process and are able to make purchases in the retail area and would add some examples in the definition.
- How the maximum of 7500 sq. ft. was calculated.
 - They looked at similar types of businesses in other communities and 7500 sq. ft. seemed to be the upper limit for the size of these businesses and seemed appropriate for our current commercial lots.
- Could these types of businesses be located in places that were not retail stores
 - Yes.
- 7500 square feet may not be enough to accommodate the machinery and storage that craft breweries would require and may keep them out.
 - The hope is if they start out small and outgrow the space they will relocate to a larger location in town.
- Based on the number of craft breweries currently operating in Massachusetts, it's likely that square footage would be needed quickly.
 - If this works well, the town may consider a separate square footage for downtown so but see what comes with a 7500 square foot space. The industrial parks have the capacity because of the accessory use clause to accommodate a larger facility.
- Is the 7500 square feet is part of the accessory clause.
 - In the bylaw where we allowed the ancillary use allows it on a greater scale than 7500 square feet in the two industrial parks. If a business wanted to relocate to a larger space, Town Meeting did not necessarily want it located in Natick Center. We are erring on the side of caution because there is a tool that can be used for the industrial zones.

Debate

This was a good opportunity to expand our economic base.

A member recommended eliminating square feet from the definition and adding it elsewhere.

Another member said some of the places that are becoming an allowed use are not exactly in downtown. A larger building to separate the breweries accessory use from the heavy production area would be an ideal space. In the craft brewery business, you need

to have the space to scale quickly in order to make a profit. I would ask if you could return in the spring and bring some modified language around the industrial zones.

End of Article

ARTICLE 32
Amend Zoning By-Laws: Downtown Business (DB) District Zoning
Amendment
(Planning Board)

Article Language

To see if the Town will vote to amend the Town of Natick Zoning By-Laws by:

A. Establishing, creating or defining a new Section III-EE Downtown Business District (DB) after Section III-E as follows, including but not limited to:

- 1. Purpose and intent;
- 2. Use regulations for DB districts;
- 3. Dimensional and density requirements;
- 4. Procedures;
- 5. Design review board;

B. Amending Section V-D OFF STREET PARKING AND LOADING REQUIREMENTS to define off-street parking standards for DB districts; or otherwise act thereon.

Purpose of The Article

This article creates a new downtown business district within the DMU district, a roughly a four-block area centered from Middlesex Avenue and South Middlesex Avenue in the north to Central Street in the south along Main Street and part of Washington Street.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**
QUANTUM OF VOTE: **10-0-0**
DATE VOTED: **September 19, 2019**

MOTION A
Requires a 2/3 Majority

MOVE to amend Section III – USE REGULATIONS of the Natick Zoning Bylaws by inserting a new Section III-EE Downtown Business District (DB) after Section III-E DOWNTOWN MIXED USE DISTRICT DM as follows:

III-EE DOWNTOWN BUSINESS DISTRICT (DB)

1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers, diners, business proprietors and mercantile uses. The DB District is intended to apply only to the commercial core of the central business area bounded by the south side of South Avenue, the west side of Adams Street, the south side of Court Street, the west side of Washington Street, the north side of Central Street (Route 135), the west side of Clark’s Court and the south side of Middlesex Avenue.

2. USE REGULATIONS FOR DB DISTRICTS:

Only those uses provided for below are permitted or allowed in a DB District. All other uses are prohibited, except as may be provided for hereafter.

a. PERMITTED USES:

The following uses are permitted as a matter of right in a Downtown Business District, such uses may be combined in the same structure and/or on the same lot:

- 1. Private garage or outdoor vehicles storage in connection with a dwelling.**
- 2. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business.**
- 3. Customary home occupation.**
- 4. Wholesale or retail stores or office of show room with inside storage of goods for sale on the premises only.**

- 5. Business or professional office or agency, bank or other financial institution, administrative offices, clerical offices, statistical offices, craft, consumer, professional or commercial service establishments dealing directly with the general public, business training center.**
- 6. Undertaking establishment or funeral home.**
- 7. Printing or publishing establishment.**
- 8. Restaurant, tearooms, lunchrooms, or other places serving permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business.**
- 9. Eating establishments serving customers inside of the building without live or mechanical entertainment.**
- 10. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use.**
- 11. Establishments for creative production.**
- 12. Establishments for scientific research or scientific development or related production.**
- 13. A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities.**
- 14. Public utility structure including telephone exchanges, and radio and TV stations offices (excluding towers).**
- 15. Church, rectory, convent, parish house, and other religious institutions such as religious sectarian schools.**
- 16. Schools conducted by a non-profit educational corporation on land which it owns.**
- 17. Fallout shelters.**
- 18. All uses, which by any of the provisions of the Massachusetts General Laws, including Chapter 40A, may not be prohibited, are hereby included by reference as permitted uses.**

b. USES ALLOWED BY SPECIAL PERMIT ONLY:

The following uses may be allowed by the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

2. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and such use is located not less than one hundred (100) feet from a residential district.
3. Indoor tennis or racquet club or other in-door recreation place, provided that the building is so insulated and maintained as to confine noise to the premises.
4. Eating establishments providing live or mechanical entertainment or service to customers outside of the building.
5. Specialty fabrication establishments.
6. Accessory use.
7. Hotel and Motel.
8. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.

3. DIMENSIONAL AND DENSITY REQUIREMENTS

- a. **MINIMUM LOT DIMENSIONS:** Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.
- b. **MINIMUM YARD DIMENSIONS:** Front yard – None required; Side yard - None required; Rear yard - Ten (10') feet.
- c. **MAXIMUM PERCENTAGE BUILDING COVERAGE:** (Includes any accessory building): 75, provided that any structure in existence on January 1, 1987 may be altered and improved without decreasing the building coverage in existence on January 1, 1987.
- d. **MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:** Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage

on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers.

e. MINIMUM HEIGHT OF BUILDINGS:

Building height for any new building shall equal at least thirty (30) feet.

f. OPEN SPACE REQUIREMENT PER LOT: Five (5%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

4. PROCEDURES

a. Special Permit Granting Authority: The Planning Board shall act as the Special Permit Granting Authority (SPGA) for uses administered under Section III-DD of the Zoning By-Laws.

b. Pre-application: The Applicant is encouraged to meet with the Community Development Director and the SPGA prior to the preparation of a formal application for a use allowed By Special Permit in the DB district, for general discussion of the project to be proposed.

c. The Design Review Board shall review requests for Special Permits under this Section based on the processes and standards contained in Section III-E.4.

Finance Committee Recommendation

The Finance Committee took the following action on Motion B:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 19, 2019**

MOTION B
Requires a 2/3 Majority

MOVE to amend Section III-E – DOWNTOWN MIXED USE of the Natick Zoning Bylaws by the following:

In Section 4.A PURPOSE after “Natick Downtown Mixed Use”, add ”and Downtown Business” and after “District” add “s”, so that A. PURPOSE now reads:

4. DESIGN REVIEW BOARD

A. PURPOSE

It is the intent of this Section to provide detailed review of exterior alterations made to structures having substantial impact on the Natick Downtown Mixed Use and Downtown Business Districts, to prevent blight, to enhance the natural and aesthetic qualities of the Downtown, to conserve the value of land and buildings, and to protect and preserve the historic and cultural heritage of the Downtown and its surrounding neighborhoods.

Finance Committee Recommendation

The Finance Committee took the following action on Motion C:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 19, 2019**

MOTION C
Requires a 2/3 Majority

MOVE to amend Section V-D – OFF STREET PARKING AND LOADING REQUIREMENTS of the Natick Zoning Bylaws by the following:

A. Part 3. Parking Facilities Required by Parking Demand

1. In sub-part d), after “For offices - 1 space per four hundred (400) square feet of gross floor area*”, add “, *within the DB District, 1 space per thousand (1,000) square feet of gross floor area.*”, so that d) now reads:

d) For offices - 1 space per four hundred (400) square feet of gross floor area, within the DB District, 1 space per thousand (1,000) square feet of gross floor area.*

2. In sub-part e), after “For financial institutions, retail stores, personal services, shops, and similar commercial uses - 1 space for each two hundred and fifty (250) square feet of gross floor area. Within the DM...” add “*and DB Districts...*”, so that e) now reads:

e) For financial institutions, retail stores, personal services, shops, and similar commercial uses - 1 space for each two hundred and fifty (250) square feet of gross floor area. Within the DM and DB Districts, 1 space for each five hundred (500) square feet of gross floor area.

3. In sub-part g), after “Within the DM District”, add “*and DB District,*” so that g) now reads:

*g) For restaurants, night clubs, bars and lounges - 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats, whichever is greater. Within the DM and DB District, 1 space for every twenty-five (25) seats. Public area shall mean the area reserved for the general public for the actual consumption of food and beverages.**

4. After sub-part v), in its entirety, insert:

“w) Specialty Craft Fabrication without accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater.

x) Specialty Craft Fabrication with accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater plus 1 space for every thirty (30) square feet of public area reserved for the general public for the actual consumption of food and beverages.

y) Creative Production – 1 space for every five hundred (500) square feet of gross floor area.”

B. Part 5. Exceptions in Downtown Business District

1. After “DM District”, add “*and DB District*”, so that Part 5 now reads:

Notwithstanding the minimum requirements enumerated in sections 3, c) through 3, q) above, in a DM and DB District the number of parking spaces required for non-residential use may be reduced by special permit by not more than ten (10%) percent of the requirement of section V-D 3, conditioned upon the approval of the SPGA, and upon commitment to payments according to the Incremental Parking Credit schedule in Table 2 below based on the difference in parking units provided and those required under sections c) through q) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district.

Further notwithstanding the minimum requirements enumerated in sections 3c) through 3q) above, in a DM and DB District the SPGA may, as part of a special permit or site plan review for a change in use or expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a finding that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c) improves pedestrian and/or vehicular movements, (d) enhances the streetscape for abutting properties, (e) creates affordable housing, or (f) accommodates mass transit facilities.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion D:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

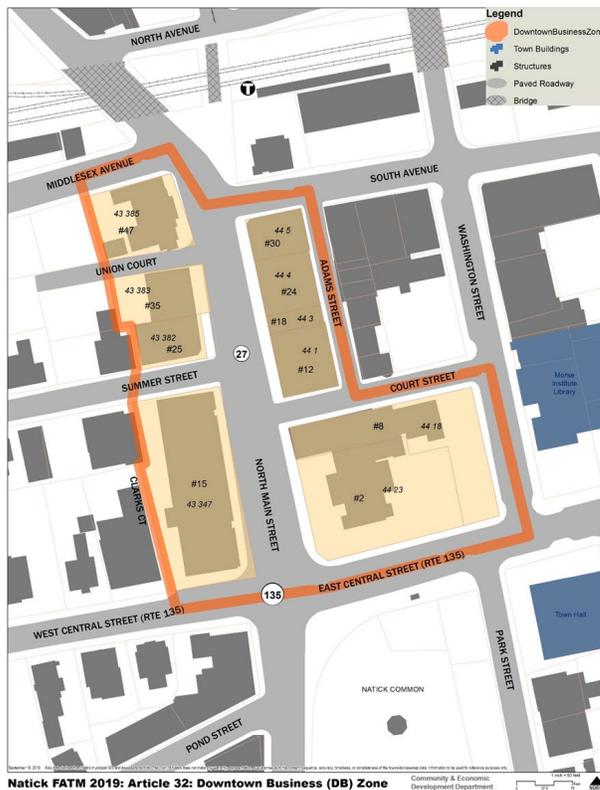
DATE VOTED: **September 19, 2019**

MOTION D
Requires a 2/3 Majority

Move that the Town will vote to amend the Zoning Bylaws and Map with regards to:

1. Amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1 to replace the Downtown Mixed Use (DM) zoning district with the Downtown Business (DB) or other zoning district as appropriate, on lots shown on the Town of Natick Assessors' Map 43, Lot 385, including approximately to the center line of Middlesex Avenue, North Main Street and South Avenue to the north [including but not limited to a portion of the property known as 30 Main Street], and; Town of Natick Assessors' Map 44, Lots 1, 3, 4, 5, 18, 23; Map 43, Lots 347, 382, 383 including approximately to the center line of East and West Central Street to the south [including but not limited to properties known as 15 Main Street].

The map below is solely for reference purposes and is not part of the motion:



Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

This article creates a new downtown business district within the DMU district, a roughly a four-block area centered from Middlesex Avenue and South Middlesex Avenue in the north to Central Street in the south along Main Street and part of Washington Street. This would be a commercial district only.

The residential uses allowed in the DMU zone would not be allowed in this downtown business zone. The purpose is to establish a compact center that is centrally located and designed primarily for shoppers, diners, business proprietors and mercantile uses. It preserves the core of the downtown business district in Natick Center for commercial and mercantile uses. This was recommended by the town's planning consultant based on testimony from several property owners in the affected area.

It was the general opinion of the consultants that if the residential conversion of properties within this proposed zone were to take place, there is a good possibility that commercial businesses would never come back to that area and it was important to maintain the commercial and mercantile nature of this small section of Natick's Center and the value it gives to the history and character of the town.

Information and Discussion of the Finance Committee

Questions

- Why is this was limited to north of Route 135 and not extended further south down by Route 27 where there is existing retail business in the downtown district.
 - They focused on the unique historic commercial buildings between north Middlesex Avenue, South Middlesex Avenue and Central Street. There was debate on whether to extend further south but felt the area, as demarcated, was the most logical and defensible from a historic commercial point of view.
 - The neighborhood to the south of the downtown mixed district transitions more rapidly to residential than the area that is defined to the north. It was the recommendation of the consultants that limiting it to this core area would then allow a ring of mixed use to the surrounding businesses which is what is proposed as the downtown business district but still preserve this small heart that was purely business zone.
- Was there was overlap between the Article 30 zone and this zone.
 - Creative production uses and our specialty craft fabrication are allowed in this zone by special permit.
- Are there any residences in this zone currently.

- There are not and that the upper floors of these buildings within the zone are zoned for commercial uses.
- What is the analysis of the tax revenue impact of these zoning changes
 - This analysis wasn't done.
- Is the specialty craft fabrication uses in Motion C and A, page 4 is based on the fact Town Meeting might pass the prior motions
 - Yes.
- If those motions do not pass this would be removed by default
 - In that scenario they would be removed

Other Information

Please refer to the excerpt from the Natick 2030 Master Plan on the next page.

GOAL 2

Maintain the traditional Main Street Character of Natick Center, while promoting a place where businesses thrive, people live and work, and activities and entertainment are available for everyone.



ENSURE THAT NEW DEVELOPMENT SUPPORTS A VIBRANT DOWNTOWN DISTRICT WITH A HEALTHY MIX OF USES SERVING THE NATICK COMMUNITY.

LEAD

COMMUNITY & ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING BOARD
TOWN MEETING

SUPPORT

NATICK CENTER ASSOCIATES

Survey Respondents identified active ground floor, mix of uses, complementary architectural style, and transparency of ground floor uses as important physical elements that create a sense of character in Natick Center and other mixed-use and commercial districts. Other elements mentioned include civic and cultural institutions (e.g., ICAN, library, Common), sidewalks and landscaping. Overall, there is a strong desire for an active, attractive, pedestrian-friendly downtown with a mix of uses.

The Downtown Mixed Use District (DM) covers much of Natick Center and allows a broad range of uses. However, some uses allowed by Special Permit are incompatible with an attractive pedestrian environment with active ground floor space. Specifically, gas or service stations; warehouses greater than 1,000 square feet; and salesrooms for motor vehicles, trailers, boats, farm implements, or machinery are uses that are more appropriate in districts that are less pedestrian-oriented. Consideration should be given to amending the DM district to remove these uses from the list of uses allowed by right. If they continue to be allowed by Special Permit, Site Plan Review should ensure that new businesses are required to minimize curb cuts and use landscaping to provide a pedestrian-friendly frontage.



Main Street blocks on which it is recommended that housing not be allowed on upper floors.

Residential uses benefit Natick Center in many ways. The influx of residents creates more activity on the sidewalks at more hours of the day, and more patrons for stores, restaurants and entertainment venues. Residents are likely to walk to their downtown destinations, reducing the demand for public parking, and because of their proximity to the Natick Center Commuter Rail Station, are more likely to use public transit than residents who live further away. Many residents voiced support for expanded residential uses in Natick Center and multi-family residential use should continue to be allowed by Special Permit. It is important, however, to ensure that Natick Center continue to support commercial uses and commercial development. To that end, it is recommended that both sides of Main Street, from Central Street north to South Avenue, be zoned as a special DM district (designated as DM-NR on the Proposed Zoning Changes diagram on page 3.37) that prohibits residential use to maintain the long-term opportunity for office use on upper floors. The beautiful historic buildings in these blocks were designed for upper floor office use and provide the strongest opportunity to keep an active office component in the downtown mixed-use district. Office uses help to create daytime activity downtown, increase the customer base for retail and restaurant uses, increase Natick's tax base, and provide the opportunity for residents to walk to work, reducing parking demand.



End of Article

ARTICLE 33
Amend Zoning By-Laws: Non-Conforming Uses, Large Residential Additions Zoning
Amendment
(Planning Board)

Article Language

To see if the Town will vote to amend the Zoning By-laws to amend Section V-A (4), Nonconforming Uses, by:

1. Amending, modifying or adding, without limitation, to Section 200 Definitions for “Large Additions, Residential”;
2. Adding, without limitation, provision(s) for regulating alteration, addition or demolition/reconstruction activity yielding “large additions” on nonconforming single and two-family dwellings;
3. Amending, modifying, or adding to Section VI – E – Board of Appeals, Special Permits;

or otherwise act thereon.

Purpose of The Article

This article establishes a more formal review process with site plan review that will provide an important tool to manage the increasing number of demolitions and mega rebuilds.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-1-1**

DATE VOTED: **September 19, 2019**

MOTION A
Requires a 2/3 Majority

Move that the Town will vote to amend the Town of Natick Zoning By-Laws by inserting new text after V-A (4.0) as follows:

1) In Article I, Section 200 – Definitions, add

Large Residential Additions: Any alteration, addition or demolition/reconstruction activity which increases the gross floor area of single- or two-family dwellings greater than one thousand (1,000) square feet, or more than 50.0% of the dwelling's gross floor area, whichever is less.

Finance Committee Recommendation

The Finance Committee took the following action on Motion B:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-1-1**

DATE VOTED: **September 19, 2019**

MOTION B
Requires a 2/3 Majority

Move that the Town will vote to amend the Town of Natick Zoning By-Laws by inserting new text after V-A (4.0) as follows:

5. Large Additions: All Large Residential Additions, as defined herein, shall conform to the requirements of this section. No alteration, addition or demolition/reconstruction activity which increases the gross floor area of a nonconforming single- or two-family dwellings by greater than one thousand (1,000)

square feet, or more than 50.0% of the dwelling's gross floor area, whichever is less, on the date of application for a permit or because of cumulative alterations or additions from the date of this by-law, shall be allowed unless:

- a) The addition is constructed entirely within the existing foundation, or
- b) The Board of Appeals, acting pursuant to Section VI-E (l), finds that the alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the Board of Appeals shall consider, among other relevant facts:
 - i. The proposed alteration, addition or reconstruction activity's dimensions and;
 - ii. Setbacks in relation to abutting structures and uses and;
 - iii. Potential impacts from additional shadows or blockage of sunlight and/or views on or from existing buildings, constituting the primary use, on adjacent properties to a greater extent than could result from the construction of a permitted alteration, addition or reconstruction activity totaling less than 50% of the gross floor area or 1,000 square feet.
 - iv. Conformity to the purposes of this bylaw.

so that Section V-A now reads:

4. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

5. Large Additions. All Large Residential Additions, as defined herein, shall conform to the requirements of this section. No alteration, addition or demolition/reconstruction activity which increases the gross floor area of a nonconforming single-family or two-family dwellings by greater than one thousand (1,000) square feet, or more than 50.0% of the dwelling's gross floor area, whichever is less, on the date of application for a permit or because of cumulative alterations or additions from the date of this by-law, shall be allowed unless:

- a) *The addition is constructed entirely within the existing foundation, or*
- b) *The Board of Appeals, acting pursuant to Section VI-E (l), finds that the alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the Board of Appeals shall consider, among other relevant facts:*
 - i. *The proposed alteration, addition or reconstruction activity's dimensions and;*

- ii. *Setbacks in relation to abutting structures and uses and;*
- iii. *Potential impacts from additional shadows or blockage of sunlight and/or views on or from existing buildings, constituting the primary use, on adjacent properties to a greater extent than could result from the construction of a permitted alteration, addition or reconstruction activity totaling less than 50% of the gross floor area or 1,000 square feet.*

iv. *Conformity to the purposes of this bylaw.*

Finance Committee Recommendation

The Finance Committee took the following action on Motion C:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-1-1**

DATE VOTED: **September 19, 2019**

MOTION C
Requires a 2/3 Majority

MOVE to amend the Natick Zoning Bylaws by inserting new text after VI-E.2 (k) as follows:

l) The Board of Appeals may grant a special permit for alteration, addition or reconstruction activity that increases the gross floor area of a single- or two-family dwellings greater than one thousand (1,000) square feet, or more than 50.0% of the dwelling's gross floor area, whichever is less.

1) Special permits granted hereunder shall incorporate by reference the building design and site development plans submitted by the developer with the application. Development of the alteration, addition or reconstruction in question under such special permit shall be in conformance with such designs

and plans, unless, after hearing, the Board of Appeals amends such special permit.

2) In granting a special permit, the Board of Appeals may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by any Town Board or Department, or upon its own initiative. Special permits issued hereunder shall lapse if no building permit issues within two years of the date of the special permit, unless the Board of Appeals, upon application, extends this time.

m) The application to the Board of Appeals for a special permit for alteration, addition or reconstruction activity under subsection VI E (l) shall be accompanied by the following plans and supporting materials:

1) Plan of the tract showing the existing topography at 2-foot contours, soil culture, existing streets and structures within and adjacent to the tract.

2) Site development plans showing the proposed grading of the tract and the proposed locations, dimensions, materials and types of construction of streets, drives, parking areas, walks, paved areas, utilities, usable open space, planting, screening, landscaping and other improvements and the locations and outlines of proposed buildings.

3) Preliminary architectural drawings for building plans including typical floor plans, elevations and sections, identifying construction and exterior finishes.

So that Section VI-E.2 now reads:

k) No section or subsection of the special permit procedure established herein for subsidized housing development shall be deemed severable from other sections or subsections of the special permit procedure for the construction of subsidized housing. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of special permits for subsidized housing shall become inoperative, except that special permits previously issued by the Board of Appeals hereunder shall remain valid.

l) The Board of Appeals may grant a special permit for alteration, addition or reconstruction activity that increases the gross floor area of a single-family or two-family dwellings greater than one thousand (1,000) square feet, or more than 50.0% of the dwelling's gross floor area, whichever is less.

1) Special permits granted hereunder shall incorporate by reference the building design and site development plans submitted by the developer with the application.

Development of the alteration, addition or reconstruction in question under such special permit shall be in conformance with such designs and plans, unless, after hearing, the Board of Appeals amends such special permit.

2) In granting a special permit, the Board of Appeals may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by any Town Board or Department, or upon its own initiative. Special permits issued hereunder shall lapse if no building permit issues within two years of the date of the special permit, unless the Board of Appeals, upon application, extends this time.

m) The application to the Board of Appeals for a special permit for alteration, addition or reconstruction activity under subsection VI E (l) shall be accompanied by the following plans and supporting materials:

1) Plan of the tract showing the existing topography at 2-foot contours, soil culture, existing streets and structures within and adjacent to the tract.

2) Site development plans showing the proposed grading of the tract and the proposed locations, dimensions, materials and types of construction of streets, drives, parking areas, walks, paved areas, utilities, usable open space, planting, screening, landscaping and other improvements and the locations and outlines of proposed buildings.

3) Preliminary architectural drawings for building plans including typical floor plans, elevations and sections, identifying construction and exterior finishes.

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

Residents have communicated to the Economic Development Department their view that the demolition and reconstruction of small residential properties in old residential neighborhoods and replacement with larger dwellings that are out of character with established construction is not desirable.

This formalizes an existing policy of the Building Commissioner in regard to residential properties and also follows the practice in Arlington to regulate large additions. In this case, defined as the alteration or demolition or addition reconstruction that increases the gross floor area (FAR) of a single- or two-family dwelling greater than 1000 square feet or more than 50% of the dwelling whichever is less.

Such large additions require going before the Zoning Board of Appeals for a special permit process with specified criteria for determination are stipulated in Motion B. Almost 70% of residential lots in Natick are nonconforming lots and we are looking at other means to address that. If someone wants to do a major demolition, the current practice is to apply to the Zoning Board of Appeals for a Section 6 Finding.

This article establishes a more formal review process with site plan review that will provide an important tool to manage the increasing number of demolitions and mega rebuilds. When the addition is constructed entirely within the foundation and not outside of the foundation it is exempted from this motion.

Information and Discussion of the Finance Committee

Questions on all three motions:

- Is this directed at developers, current owners or both.
 - It is directed at any property that is purchased and then reconstructed with a large addition. It would include owners who want to expand it beyond 50% of the gross FAR or a new buyer who wants to demolish and rebuild into a larger format.
 - This tends to occur most often when a property is sold whether to an individual or to a developer.
- How is the footprint of the structure defined in the 50% of square footage such as a detached garage or any separate outbuildings not attached to the livable structure.
 - If an existing garage is attached to the primary dwelling it would be included, however if it is separate it would not count because it is not the primary married dwelling. Generally, out-buildings are not considered not habitable structures.
- If a homeowner wanted to add a second-floor addition that included a roof overhang that extended beyond the foundation, would that be considered part of this definition.
 - Extensions over the vertical plane of the foundation would trigger this definition, depending on the additional space involved.
- The phrase *nonconforming single-family or two-family dwelling* is unclear and could be interpreted as nonconforming single- or two-family dwelling which may be conforming or nonconforming.

- By striking the word two-family after single- clarifies that and will be modified throughout the document. (The committee voted the motions with this correction made)
- How is the town aware that this was a problem throughout Natick.
 - The testimony of several residents during the compilation of the 2030 Master Plan and has been a recurring subject of discussion and consternation with the Affordable Housing Trust (AHT). Several members of the AHT sought the assistance of CED) and the Planning Board to find ways to combat this problem.
- Is there was a maximum house size for any given lot size in residential zoning districts
 - There is.
- Will this motion worked in conjunction with that lot restriction or whether this motion allows more.
 - This governs expansion for properties that are already nonconforming with a stricter set of characteristics than the Section 6 process.
- How the Building Commissioner defined “attached”.
 - It is not defined in existing By-Laws, but would ask the Building Commissioner and get back to the Finance Committee with an answer.
- It asked that CED and the Planning Board think about the ways people creatively figure out how to add additions to their house and return in the spring with tighter language on this topic.

Debate

Motion A

- A member thanked both the Planning Board and the CED for bringing this forward in order to establish clear ground rules so when construction projects are taking place they do not damage the character of the surrounding neighborhood. Driving around Natick, you see ample evidence of tear-downs and replacement with out-sized homes that change the character of neighborhoods. Mr. Evans expressed happiness that this bylaw takes it out of the realm of a judgment call where the ZBA might rule one way for one project and differently for another project. This establishes clear ground rules to guide the ZBA,

- Another member added the value of homes could adversely be affected and has a negative financial impact that on homeowners directly adjacent to those types of environments without clear guidelines in place.
- One member acknowledged there was a lot of hard work that went into this although he would like to see more clarification of attached focus on the garage element so loopholes are not exploited.
- A member indicated support of this and it is important for preserving the character of the town. I hope there will be considerations for existing homeowners who would like to expand the footprint of their home they purchased not knowing their lot was nonconforming outside those exceptions that are in place. The member also expressed concerns about the effect this might the passage of houses from one generation in a family to the next generation of a family.
- This member preferred to see two separate articles to make a specific differentiation between the existing homeowner and a demolition rebuild project. He stated, for that reason, he will not support this article because it does not make this differentiation.

Motion B

- This establishes the processes that the ZBA will use to handle large additions and tear-downs.
- We have a mix of housing stock covered under the regulations. We have a lot of high-end housing and some affordable housing, but everything in between is vulnerable to be purchased by developers and turned into top-end housing stock. This article helps sustain the middle-tier housing stock within the town.
- A member agreed but is concerned about the goals of the 2030 Master Plan because the out-of-town developers are already shaping what Natick is going to look like in the future He expressed appreciation for this work to protect Natick residents.

Motion C

- Developers are not building affordable housing. The best way the town can preserve affordability, and this is the best vehicle that we have to keep the character of existing neighborhoods is to support this.

End of Article

ARTICLE 34
Amend Zoning By-Laws: Alternate Uses In Residential Districts Zoning Amendment
(Planning Board)

Article Language

To see whether the Town will amend Natick Zoning Bylaw Section V Special Requirements, to restrict non-residential uses in the setbacks of residential lots, or otherwise act thereon

Purpose of The Article

As alternative uses are introduced to residentially zoned districts it becomes increasingly important to protect established residential uses from potential detrimental effects of nonresidential abutters.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **10-0-0**

DATE VOTED: **September 19, 2019**

MOTION
Requires a 2/3 Majority

Move to amend the Town of Natick - Zoning Bylaw Section V as follows:

Add the following Sub-section to Section V Special Requirements. "V-A.1

ALTERNATE USES IN RESIDENTIAL DISTRICTS: Except for the primary residential use of RS or RG, allowed in their respective districts; for all other uses that are either permitted, allowed by special permit, or otherwise enabled; all parking, areas of active use, play areas, communal gathering areas, and storage;

whether in buildings, accessory structures, or outdoor; shall be subject to the district's setbacks as shown in Table IV – B.”

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

As alternative uses are introduced to residentially zoned districts it becomes increasingly important to protect established residential uses from potential detrimental effects of nonresidential abutters. Many of the recently introduced additions to the Zoning Bylaws have included such a restriction of alternate uses from burdening residential neighbors and neighborhoods. This Article would prevent incidental or vestigial loop-holes.

Article 34 is a component of Article 27 of 2019 Spring Annual Town Meeting where I assisted in combining two divergent articles on home dog kennels into a single motion that both parties would agree on. However, one component was beyond the scope of the article. The people that wanted to protect the neighbors from onerous uses saw in other parts of the By-Laws where we already had established that if it is a use that is not normal to a residential neighborhood you did not have to put that activity into the setbacks as opposed to just buildings being set back. There needed to be a separate section as defined through the By-Laws.

The problem with that was it technically may have encompassed other uses besides the kennel and the Moderator decided that was beyond the scope. There was a promise made to the proponents of the kennel that we would return with an article that would be allowed. We discovered three other for-profit uses that would be affected by this and four items would now have this exclusion. If any other of these uses came along, neighbors would expect that any activity that goes with them would also be excluded from the setbacks. The wording is the same as what was excised in the spring. The Planning Board and the Finance Committee had approved the wording in Spring 2019.

For the regulatory functions of the Code Enforcement Officer and the Community Development staff, Article 34 would ease the application and enforcement of the Zoning Bylaws. Also, this addition to the Zoning Bylaws would clearly communicate to applicants what the site plan expectations are.

Article 34 is specifically crafted to protect neighbors and neighborhoods from the detriments of intense activity and tumult that accompany non-residential uses. Regulated sites would be more easily controlled for compliance with environmental issues.

Information and Discussion of the Finance Committee

A member commented this was very straight forward and stymied procedurally but otherwise supported.

A second member commented that she appreciates the follow through on this article.

End of Article

ARTICLE 35
Amend Zoning Bylaw – Retail Marijuana Overlay Districts
(Planning Board)

Article Language

To see if the Town will vote to amend the Town of Natick Zoning Bylaws as follows:
To correct and revise the properties previously designated for inclusion in Retail Marijuana Overlay Districts as voted by Town Meeting under 2018 Special Town Meeting #2, Article 2; or otherwise act thereon.

Purpose of The Article

The Planning Board has updated the map that incorporates the creation of three marijuana retail districts voted by Town Meeting.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **9-0-1**

DATE VOTED: **September 19, 2019**

MOTION A
Requires a 2/3 Majority

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by revising the Retail Marijuana Overlay District (RMO) for the following properties as shown on Town Assessors' maps:

- **Replace references to Map 17, Lot 1 and Map 25, Lots 276 and 277 with reference to Map 17, Lots 1H and 1R;**
- **Replace reference to Map 17, Lot 5D with Map 17, Lot 4D;**
- **Replace reference to Map 17, Lot 6 to Map 17, Lot 3E;**
- **Replace reference to Map 17, Lot 9E, with Map 17, Lot 9B;**

- Replace reference to Map 23 Lot 1E with Map 23 Lot 1D;
- Insert after Map 24 Lot 89A the following: “(for a depth not to exceed 515 feet from the northern boundary of Lot 89A)”;
- Delete references to Map 24, Lots 89F, 89G, 89H, 89I, and 94AA; and
- Delete reference to Map 24, Lots 89CD, 89DA, and 89CE, and reference to Map 25 Lot 251A.

In the cases of Map 17, Lots 5D, 6, and 9A, there are no lots with these numbers in the Town Assessors’ records. The designated lots that replace them were the ones that were intended to be listed.

Finance Committee Recommendation

The Finance Committee took the following action on Motion B:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **9-0-1**

DATE VOTED: **September 19, 2019**

MOTION B

Requires a 2/3 Majority

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by revising the Retail Marijuana Overlay District (RMO) for the following properties as shown on Town Assessors’ maps:

- Insert after Map 21 Lot 117B the following: “(portion with CII underlying zoning)”

So that the list of properties in the districts now reads as follows:

Golden Triangle Retail Marijuana Overlay District (RMO)

- Map 10 Lots 4, 5, and 6;
- Map 16 Lots 2, 2B, 2C, 3, 4B, 4D, 4Ab, and 4Abb;
- Map 17 Lots Map 17, Lots 1H, 1R, 3B, 3E, 4A, 4B, 4C, 4D, 5A, 5C, 5F, 5FA, 5FB, 5FC, 9A,
- 9D, 9E, and 20;
- Map 23 Lots 1A, 1D, 73, and 74;

- Map 24 Lots 91 (portion with CII underlying zoning), 94, 100, 101, 88A, 89A (for a depth not to
- exceed 515 feet from the northern boundary of Lot 89A), 89CA, 89E, 92A, 92C, 92D, and 94A;

Rt. 9 East Town Line Retail Marijuana Overlay District (RMO)

- Map 21 Lots 1, 8 (portion with CII underlying zoning), 114, 115, 116, 117A, 117B (portion with CII underlying zoning), 118, 119, 309, 332, 333, 334, 335 (portion with CII underlying zoning), 357, 358, 359, 360, 376, 377A, and 377B.

Finance Committee Public Hearing & Discussion

Information Provided by the Sponsor

The Planning Board has updated the map that incorporates the creation of three marijuana retail districts voted by Town Meeting. The lots marked in red in the Golden Triangle District were inadvertently omitted. Several maps marked in purple are the lots in the district being removed and designated by a tiny purple mark in the east near the Wellesley line is a small finger of lots located in the residential zone which should never have been included and will be removed.

Information and Discussion of the Finance Committee

- A member asked if the parcel that was removed is the one located closest to the Wellesley line.
 - It was confirmed it was a piece of a lot near Jennings Pond that when voted was the entire lot when it should have been that portion that is in the C-II Commercial District so the map shows you the physical interpretation of the definition change.
- In a follow-up it was asked if it could be made more visible.
 - The sponsor said they could zoom in on the one in the east side and make sure their color choices shows a pattern to make it easier to pick out and will include it in the book.

Debate

- A member noted that this article corrects errors in the previous zoning map.
- A second member thanked the Planning Board for following up on this and finding the errors and when this comes before us in the future if we can have this

checked beforehand to identify parcels that have been added or deleted erroneously.

The map below is only for reference purposes:

ARTICLE 36
Amend Article 2 Section 10-c of the Charter
(Town Meeting Practices and Rules Committee)

Article Language

To see what action the Town will take to amend Article 2 Section 10-c of the Charter

- 1) To provide that residents or taxpayers who are not Town Meeting members have the right, subject to rules adopted from time to time, to speak but not to make motions or vote and /or
- 2) To otherwise make rights and restrictions in Article 2 Section 10-c consistent with Article 2 Section 10 b and/or
- 3) To provide a definition within the Charter and/or for the purposes of and/or within Article 2 Section 10 c of “taxpayers” for example but not limited to that taxpayers shall mean ‘taxpayers owning real property interests and/or personal property subject to valuation and assessment by the Town Assessor and payment to the Town Treasurer Collector’ or other definition and/or
- 4) otherwise act thereon.

Purpose of The Article

This warrant article seeks the charter to conform to the long-standing Town Meeting practice so challenges cannot be raised.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

MOTION A
Requires a Majority Vote

Move to amend Article 2 Section 10-c Residents and Taxpayers of the Town of Natick Home Rule Charter by:

Deleting the words “participate in the proceedings” and

Inserting in their place the word “speak” and

Inserting “make motions or to” after the words “but shall have no right to” and

Inserting a new sentence after the word ”vote.” as follows:

“For the purposes of this sub section the term ‘taxpayers shall mean those taxpayers owning real property interests and/or personal property which are subject to valuation and assessment by the Town Assessor and the payment of such assessed taxes to the Town Treasurer Collector.”

So that Article 2 Section 10-c now reads

“(c) Residents and Taxpayers - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to speak , but shall have no right to make motions or to vote. For the purposes of this sub section the term “taxpayers” shall mean those taxpayers owning real property interests and/or personal property which are subject to valuation and assessment by the Town Assessor and the payment of such assessed taxes to the Town Treasurer Collector.”

Information Provided by the Sponsor

There are three categories of non-member members at Town Meeting: 1) representatives of town officers and town employees, 2) representatives of town agencies, residents and 3) taxpayers.

When you look at the representatives of town agencies under 210A and town officers and employees under 210B they have the right to speak, but not to make motions or vote. The language on residents and taxpayers states they have the right to participate but no right to vote. When one participates at Town Meeting one must adhere to proper protocol. Participation consists of speaking, making motions and voting. Members who choose not to speak, make motions or vote are observers. Citizens who do not speak are observers.

If the only thing being eliminated from the charter is voting, by implication, residents and taxpayers could assert the right to make a motion. This warrant article seeks to have charter conform to the long-standing Town Meeting practice so challenges cannot be raised.

Information and Discussion of the Finance Committee

Questions:

- Has the committee had discussions with the Moderator about these changes.
 - The Moderator was an attendee and a participant who attended all of our meetings except one. I would have to confer with the Moderator or other members about what was missed.
- Was there ever an occasion where a non-Town Meeting member attempting to make a motion on Town Meeting floor.
 - Town Moderator: there was and it was a member of the Board of Selectmen that attempted to call a point of order. Since the maker of the motion was not a Town Meeting member, the Moderator said the motion was out of order.
 - Mr. Griesmer: the charter and what Town Meeting does are in conflict. The charter currently says “Any resident or taxpayer of the town may attend sessions of the Town Meeting and subject to subject rules time to time be adopted shall have the right to participate in the proceedings but no right to vote”. The committee was concerned that this could be an issue and this article tries to ensure that the charter is consistent with what the actual practice.
- It was asked whether this language was intentionally written with that difference in it with the idea there might be more to it than participation by that particular class.
 - Sue Salamoff,: Member of Board of Selectmen speaking as an individual and former chair of the 1980 Natick Charter Commission said when the words were written specifically for each section residents and taxpayers held special recognition and that was the legal advice we were provided.
- It was asked whether the drafting was created after a review of history that included a time when Natick had an open Town Meeting.
 - Ms. Salamoff said it was drafted in 1954.
- When the point of order was raised by a non-member did anyone object to the ruling on the grounds it was inconsistent with the charter.
 - Mr. Foss replied that no Town Meeting member did so.
 - Mr. Foss said the first session of Town Meeting is the actual day we vote and all registered voters can participate in the first session. This is followed by the Representative Town Meeting. The concern seems to be participation or the voting and rights at the Representative Town Meeting.
- Does participation exclude the word vote.
 - The word participate stands out in context with other parts of the charter. Part of the charter for non-Town Meeting members is they can speak but cannot make motions or vote. The other one says they have the right to participate but not to vote. By implication they would have the right to participate to both speak and to make motions. The practice of Town Meeting is speaking, but not making motions or voting unless you are an

elected Town Meeting member. Town Meeting members make motions and are the only ones who vote.

- The sponsor was aware of one other citizen in Town Meeting who tried to make a motion and were not allowed to do it. This article is designed to make the charter consistent with actual practice so it is clear and there is no conflict. Since the charter was passed, the definition of taxpayer has expanded significantly, with the passage of local option hotel and meal tax. For the purposes of this section, taxpayers mean the owners of real and personal property that is consistent with the original context and structure of the charter

Public Comments

- Ms. Sue Salamoff, Member of Board of Selectmen speaking as an individual and former chair of the 1980 Natick Charter Commission: The community votes in the annual town election so are we making a mistake pulling out the word participation based on that.
 - Mr. Griesmer said the entirety of Article 2 of the Town Charter is on Representative Town Meeting. The word participation is not going to affect any voters' rights at the polls.
- Mr. Foss noted that the Town Clerk and he participated in this committee to assist the chair and took no votes. Any information we provided was more statistical than an opinion.

Debate:

- It is important when we contemplate changes to a document at that level we look at it from different angles and we have accomplished that which brings that document in line with what is practice.
- This article identifies a potentially problematic loophole for the town and we should close that loophole.
- It's advantageous to enact this change notwithstanding Town Counsel's advice. A valid group has brought forth a petition valuable to the town and should be passed here and Town Meeting floor.
- If any taxpayer can show up and vote it defeats the purpose of Town Meeting elected members.

End of Article

ARTICLE 37
Report from Town Meeting Practices and Rules Committees
(Town Meeting Practices and Rules Committee)

Article Language

To see what action the Town will take to hear and to discuss a report of the Town Meeting Practices and Rules Committee created by 2019 Spring Annual Town Meeting under Article 13 and /or

See what sums of money the town will appropriate, raise or transfer from available funds to provide for copies of a draft revised Town Meeting Member Handbook to be prepared for Spring Annual 2020 Town Meeting

or otherwise act thereon.

Purpose of The Article

The purpose is to report on numerous items considered by the committee to improve the functioning of town meeting and the work of various committees which precedes town meeting and upon which town meeting depends.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

MOTION A
Requires a Majority Vote

Move to hear and to discuss the report of the Town Meeting Practices and Rules Committee created under Article 13 of Spring 2019 Annual Town Meeting.

MOTION B

The Finance Committee took the following action on Motion B:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

MOTION B

Requires a Majority Vote

Move to appropriate the sum of \$5,000 from free cash for the purpose of creating copies of a draft revised Town Meeting Member Handbook for Spring 2020 Annual Town Meetings Consideration

Information Provided by the Sponsor

The report is currently being drafted but will review what the committee did and would like to discuss what we raised procedurally.

- One element concerns “mandatory conditions precedent” and focuses on the Finance Committee’s role.
 - Town Meeting functions very well when the Finance Committee receives and reviews information, asks questions, considers things and reports to Town Meeting.
 - There aren’t a lot of procedural breakdowns when the Finance Committee receives the information it needs to complete its review.
 - This book ‘Town Meeting Time’ says when a committee like the Finance Committee exists, that if the by-law says you shall consider all matters of business within a warrant article then that is an advisory provision, not a requirement.
 - If a by-law states that the consideration like the Finance Committee is a mandatory condition precedent for the Town Meeting to take something up.
 - Town Meeting cannot take it up unless the proponent has run it through the Finance Committee first.

- The committee came very close to filing a Warrant Article that would require that. However, we did not want to thwart Town Meeting so we thought about waiver provisions that Town Meeting may vote a waiver that on a particular article we will waive the mandatory condition precedent or the Moderator may declare a waiver if there was a valid reason it could not go through the Finance Committee.
- We discussed questions such as if you need a waiver provision what the quantum vote is to waive. When a waiver may have made sense was at a prior Town Meeting where there was a \$40,000 article for several small imminent domains all of which had to be accomplished in record time in order to justify the \$7.6 million that we paid for a rail trail is still worth \$7.6 million. We would not get federal money, be off the list and we would have spent \$7.6 million on something we could not use.
- The Finance Committee is supposed to consider all matters of business within a warrant.
 - Periodically, new information emerges after Finance Committee has reviewed a warrant article and it's a surprise on Town Meeting floor which is not the way the process should work, and this significantly disrupts the Town Meeting.
 - Mandatory precedence is linked to this issue of not only the warrant article but all the matters of business.
 - It is very difficult to write a draft of a new information warranty provision the committee might consider as a warrant article. One way to solve this issue is similar to a point of order and not dissimilar from reconsideration.
 - The committee was unanimous that the sponsors need to go through the Finance Committee.
 - We discussed numerous ways to reduce the number of supplements.
- Town Meeting is responsible for all the legislative responsibilities and everything else unless it has been specifically given to anyone else.
 - When the handbook was first written, we were careful to articulate legislative branch and executive branch.
 - Town Meeting is not part of a town agency. Everything in the executive branch is a town agency. Anything that requires a vote of Town Meeting, Town Meeting decides that policy.
 - All the references in the charter in the executive branch the policy-making authority are with respect to policy-making agencies.
 - Town Meeting makes the decision on the scope or depth of any warrant article or motion. If it is below the depth or outside the scope Town Meeting it does not do it. It is then up to the administration how to spend that money which is out of the depth of Town Meeting.
 - There has been much discussion on getting motions in writing. If the motion is to refer to Planning Board it is clear, however if it starts to get half a page long pause the meeting and run copies in house.

Information and Discussion of the Finance Committee

Questions:

- It was asked of the Chair whether all the articles making Free Cash requests have gone through Town Administration to determine whether Free Cash exists to be appropriated.
 - The Chair replied that it is appropriate if you are going to use Free Cash to go through Town Administration to see if it is available and whether they support it or not. I am not aware of anyone who has gone to Town Administration to put a line item on Free Cash spend-down and have it earmarked.
- A member asked that the words “ revised draft” of the Town Meeting Handbook should be “draft revised”
 - The sponsor agreed to make that change.
- When will the committee report would be available for the Finance Committee to review.
 - The sponsor said it would be later than sooner as the Committee wants to synthesize this for Town Meeting members and we may have a presentation handout as well. We have no objections having the Finance Committee seeing the details of the report when it is available.
- As a follow up it was asked whether the report would be completed by October 3, 2019
 - The sponsor said that they would aim to do so.
- A member pointed out a typo “create 2,000” copies, on the Finance Committee questionnaire/response document.
 - The sponsor said it should be 200 copies and he is not sure how many pages it will be because some of the information is outdated since state laws have changed, time fixed relevant to the specific time period when it was prepared .We plan to use the services of the in-house copy center and never spend any of this money. However, if it gets to be too large, we may be charged for more than one draft. We do not want to be stuck with the responsibility of bringing a draft of the handbook to Spring Town Meeting and being unable to produce copies.
- A member asked whether the committee will include a discussion of the town legislative and executive branches.
 - The sponsor confirmed that the report to Town Meeting would include this discussion.
- It was asked whether the committee would consider distributing their report electronically.

- The sponsor said they are open to electronic versions but, but do not know how many people may want to see it in hard copy. The intention is not to spend the appropriation.
- A member asked if committee members had thought that a Town Meeting member could opt out of a hard copy and select it in an electronic form.
 - The sponsor replied that it wasn't something they looked at but it is a good idea.

Public Comments

- Ms. Sue Salamoff, Member of Board of Selectmen speaking as an individual and former chair of the 1980 Natick Charter Commission, asked whether the revised handbook should be postponed until after Spring Town Meeting since one of the articles is to ask Town Meeting whether the board should have a Select Board instead of a Board of Selectmen in the fall.
 - The sponsor noted that the study committee goes away at end of Spring Town Meeting unless an extension is voted by Town Meeting. Anything brought to Spring Town Meeting will be a draft of the handbook and can be changed based on changes at Fall Town Meeting and it will be easy to edit and available in electronic form.

Debate:

- We have heard the rationale for this report and have had a thorough discussion on the topic.
- The member requested to receive the report in advance of Town Meeting.
- A member indicated he would like to hear more about the tension between Executive Board and Legislative branches.
- Another member noted that, as the committee worked on this, some observations and comments have been made, especially amongst new members. The feedback that came up frequently was that becoming in Town Meeting extremely intimidating and citizens were taken aback with the lack of decorum and respect among individual members in debate. Now that this has been identified, we should give consideration as to how to make Town Meeting more attractive to new members.
- A member asked for assurance that members are given the opportunity to opt out of a hard copy and choose an electronic copy before anything is printed.

End of Article

ARTICLE 38
Amend the Town of Natick By-Laws: Create New Standing Committee
(Town Meeting Practices and Rules Committee)

Article Language

To see what action the Town will take to amend the Town of Natick By-Laws (“the By-Laws”), consistent with and pursuant to Article 2, Section 11(e) of the Town of Natick Home Rule Charter (“Committees”), the Massachusetts General Laws, Chapter 39 §16, or any other authority, to add a new and/or to amend any existing Article(s) or Section(s) of the By-Laws, including without limitation:

- i) to create a standing committee, appointed by the Moderator, for the primary purpose of considering and making recommendations on all zoning warrant articles, motions and related zoning matters and reporting thereon in print to all Town Meeting Members and to set the number of days in advance of Town Meeting action for such report except where compliance with this provision would defeat the purpose of a Special Town Meeting; and/or
- ii) to determine the name, size and composition of such standing committee and to specify the eligibility, term and/or qualifications of the committee and for an individual to be a member of such committee provided however that no person holding an elective town office except Town Meeting member or constable shall be eligible to serve on said committee and to determine whether those serving on appointed committees or boards that have responsibility for issuing permits, approving expenditure of funds or exercising final authority over any matter shall be eligible to serve on said committee; and/or
- iii) to allow such standing committee, in connection with its work, to conduct studies and analyses of the Town for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters; and/or
- iv) to provide that such committee, in connection with its work, have access to Town Counsel whether such provision is made in a new by law article or section of the By-Laws or within Article 22 – Town Counsel, Section 5 (c) of the By-Laws; and/or
- v) to specify any other powers, duties or responsibilities of such committee; and/or
- vi) to modify the duties of the Finance Committee under By-Law Article 23, Section 4 regarding consideration, reporting and recommending on all matters of business within the articles of any warrant where a standing committee has been created by Town Meeting pursuant to Article 2, Section 11(e) of the Charter and said standing committee is given primary or required advisory committee responsibility to study, review, recommend and reporting advance of Town Meeting on certain or particular

types or categories of subject matter of warrant articles that otherwise would have been the required responsibility of the Finance Committee, and/or

vii) to permit the Finance Committee to consider such categories or types of matters of business at its discretion and/or

viii) to require the Finance Committee to consider such categories or types of subject matter of business if directed to do so by the Moderator regarding a particular warrant article of any town meeting and/or

ix) to modify or to add other reporting requirements and elements to the report of the Finance Committee for the benefit of Town Meeting and the public and/or otherwise act thereon.

Purpose of The Article

The article seeks to establish an advisory committee for the purpose of reviewing zoning articles for town meeting. Currently, all zoning articles are reviewed by a) the Planning Board under a state statute requirement and b) the Finance Committee under the bylaws.

Finance Committee Recommendation

**The Finance Committee
took the following action on
Motion A:**

RECOMMENDATION: **Referral to Sponsor**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

MOTION A
Requires a Majority Vote

Move that the Town refer the subject-matter of Article 38, Motion A to the Sponsor

MOTION B

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: **Referral to Sponsor**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

**MOTION B
Requires a Majority Vote**

Move that the Town refer the subject-matter of Article 38, Motion A to the Sponsor

MOTION C

**The Finance Committee
took the following action on
Motion C:**

RECOMMENDATION: **Referral to Sponsor**

QUANTUM OF VOTE: **11-0-0**

DATE VOTED: **September 5, 2019**

**MOTION C
Requires a Majority Vote**

Move that the Town refer the subject-matter of Article 38, Motion A to the Sponsor

Information Provided by the Sponsor

From the Finance Committee Questionnaire:

The article seeks to establish an advisory committee for the purpose of reviewing zoning articles for town meeting. Currently, all zoning articles are reviewed by a) the Planning Board under a state statute requirement and b) the Finance Committee under the bylaws.

Towns are empowered under MGL Chapter 39 to create finance and or advisory committees and Town Meeting is allowed, under the charter, to create standing committees by bylaw for the review, study report and recommendation on warrant articles. This warrant article seeks do that for zoning matters.

The zoning bylaw has become increasingly sophisticated with may inter-related parts. Zoning changes are becoming far more numerous as uses evolves as the Town becomes increasingly built out. Recent experiences have indicated that reviewing boards including the Planning Board, Selectmen and Finance Committee can fail to catch everything. A few examples include the removal of the SPGA for the Downtown, the 28 significant changes to the marijuana bylaw, the extensive changes to staff proposal for solar bylaw, the absence of special permit procedures and the inclusion of out of scope item in the Planning Board motion for a dog day care article at spring town meeting. All of these were caught by individual citizens. The two failed zoning by law rewrites contained numerous and very major errors and omissions. The point here is not to criticize. Zoning by its nature needs review of at least two committees.

Zoning is by its nature tedious wording. Many Finance Committee members don't like it, aren't familiar enough with it to feel competent or don't spend the considerable time necessary to get it right. It's an acquired taste and skill which is not easily developed. The proposed special standing committee would be limited in members with a focus on persons skilled in zoning. These could be former planning board, finance committee or ZBA members who don't want the volunteer work commitment of those boards. Or such persons could be persons interested in getting on Planning Board or ZBA in which case this committee is a recruiting grounds of sorts.

The purpose of such a committee is to improve the function of Town Meeting by having appropriate focused consideration on zoning and to have such consideration occur sooner. Problems in language or wording in zoning proposals can often be fixed if they are caught early. Such a committee would also give sponsors a place to go while waiting for the required scheduling and publication notices for the Planning Board and getting a date with the Finance Committee.

The Finance Committee would not be required to hear zoning articles as a matter of course but could at its discretion consider them. In exceptional circumstances, The Moderator could require the Finance Committee to consider a zoning article. An example

might be something as significant as another Natick Mall with significant open space money and new tax revenue.

Finance Committee members would be eligible to serve on this special committee because this special committee would advise Town Meeting. Finance Committee members can serve on any committee which advises Town Meeting.

The nature of zoning itself and the increased number of proposals in recent years suggest that the Town would benefit from such a committee. This committee would not and could not replace the Planning Board's required statutory role. However, all processes are improved with a second and independent look which is why Towns have advisory or finance committee's in the first place. The volume and complexity of recent zoning changes appears to have strained the Finance Committee and caused problems with getting quorums and completing other work. The Moderator has reported difficulty in getting Finance Committee members because of zoning.

This warrant article also seeks to enhance the Finance Committee's reporting to Town Meeting. Whenever due consideration of all matters of business within any article could not be heard or completed, the Finance Committee would report that fact and the reason why. This would aid Town Meeting in understanding the reason for the delay or the failure. If, for one example, sponsors were not ready and the Finance Committee could not meet as a result, Town Meeting would be able to gauge whether the article is eventually prepared for consideration. If an article was complicated and required several Finance Committee meetings and the Finance Committee could not complete its work, Town Meeting would get a similar sense. Most importantly, Town Meeting would be informed when sponsors were not prepared and delayed or back ended the Finance Committee's work as a result.

Such delays and back-ending place the Finance Committee in a difficult position of extra meetings, stressed compressed (short circuited)deliberation, problems getting quorums, fewer members participating and a diluted consideration – all of which adversely impacts Town Meeting. Some members of the TMPRC believe that some sponsor delays have taken on a deliberate character to avoid in depth scrutiny. Back-ended consideration also results in the Town Meeting receiving numerous additional handouts, books, supplements and/or corrections – which also adversely affects Town Meeting. Having the reasons for delays, etc. be reported will hopefully promote more prompt preparation and facilitate fewer “books”, handouts and corrections.

Enhanced reporting is also sought regarding any questions asked by or at Finance Committee meetings which are pertinent to the article and which were not answered. This would not only facilitate town meetings consideration but also enable the Moderator to get the answers in advance of Town Meeting. Also, the practice of sponsors providing the Finance Committee with answers will be better facilitated.

If this Warrant Article is not approved by Town Meeting the sponsors believe the consequences to the Town include Town Meeting would continue to run the risk and/or

continue to experience zoning articles which are not prepared, not fully vetted, are difficult to understand, and/or contain mistakes.

Sponsor's Narrative from the Public Hearing

Article 38 – Motion A

Under the charter by-law the Town Meeting can create standing committees which have subject warrant article authorization reviewed. Citizen Petition to create a Zoning Advisory Committee is different than the Planning Committee. A zoning document is complicated, and it is important that it be accurate and often requires special permits. The concept on paper accurately describes multiple sets of eyes dedicated to reviewing before Town Meeting floor is good idea. Zoning articles require a lot of time, whether it be a debate on substance or on the zoning article itself. It is beneficial with several zoning changes because there will be less breakdowns over wording with a small focused committee. We anticipate the run rate to continue and become more challenging with the need for a more tailored document with special applications. The rules for eligibility to serve on this committee mirror the same eligibility as the Finance Committee. There would be interactive communication and discussions with the Finance Committee. This is another place where the committee could study, rule and advise Town Meeting when the Planning Board is not able to get to it. We will be bringing forward Mandatory Demand Precedence to Spring Town Meeting for consideration. If there is a by-law Town Meeting should consider and has to put aside, Finance Committee can look at it and provide feedback.

Finance Committees position is they have to look at zoning. If the Moderator wants to change provisions, it is difficult to recruit and retain the Finance Committee members because they don't want to review zoning articles. This is worded so the Finance Committee always has the ability to review zoning articles.

If we set up a mandatory requirement that Town Meeting has to hear from certain committees and the Finance Committee had a busy calendar, you would be able to opt out of hearing the zoning articles. The rationale was to allow the Finance Committee the latitude to review zoning articles if they want or have this appointed committee do so.

Article 38 – Motion B

Zoning is not only technical, but you must understand the document, it's an acquired read and it takes a lot of time to become familiar with it. Sometimes there are focused legal questions. If you create this committee, that committee should have the ability to consult with Town Counsel on the subject matter of zoning.

Article 38 – Motion C

The first paragraph of this motion would allow the Finance Committee to consider zoning whenever it wanted to but would not place a burden on them to always consider it. The last two paragraphs are things that we wanted to have a discussion with the Finance Committee about and get your feedback. It would be a good idea if Town Meeting knew

the difference when the Finance Committee did not have a recommendation and was still working on it as opposed to when they are unable to consider this because they have not been given anything. This is important for Town Meeting members to be aware of. If there are questions that are asked by the Finance Committee that are not answered that are pertinent to a warrant it would be beneficial to both Town Meeting and the Moderator to get the answer.

Information and Discussion of the Finance Committee

Questions from the Committee on Motion A:

- Mr. Coffey asked whether creating this standing committee would add a burden on the proponent to be required to meet with the Zoning ByLaw Review Committee in addition to the Finance Committee and the Planning Board because it is a warrant article before going to Town Meeting.
 - Mr. Griesmer replied that Proponents need not show up at all these committees to have the language studied, but some sponsors would like it. Planning Board is constrained by statutory posting requirements. Their hearings take place later in the cycle and tend to run long. Some zoning sponsors may think this is a good place to go to get something vetted and receive feedback on language. With the number of zoning articles that come forward, it seems unfair for sponsors to be pushed back to the last week before Spring and Fall Town Meeting and have problems surface during Town Meeting and they have not had time to work on it.
 - Mr. Griesmer opined that there have been a number of times Town Meeting has received a zoning proposal, refers it, with no follow-up on the referral. This committee would work on the follow up of the referral. The goal is to help Town Meeting make an informed decision.
- Mr. Pierce asked the difference between a standing committee and the regular committee.
 - Mr. Griesmer: The Town Meeting Practices and Rules Committee have a very specific job and has a finite existence voted by an article at Town Meeting. The Standing Committee would always be there until a by-law was passed to eliminate it.
- Mr. Pierce asked whether the Planning Board voiced an opinion on this.
 - Mr. Griesmer said they had not.
- Ms. Wollschlager asked whether any different solutions besides creating a special committee were assessed.
 - Mr. Griesmer said they had not reviewed any alternative solutions.
- Ms. Wollschlager asked whether other towns have a similar committee.
 - Mr. Griesmer said off-hand he did not have a list but could provide it.

- Ms. Wollschlager asked whether they evaluated whether this committee should be a subset of the Finance Committee, Planning Board or Zoning Board of Appeals.
 - Mr. Griesmer said there was much discussion around that. The Planning Board has a statutory obligation to hold a public hearing on any potential zoning change. Multiple reviews and perspectives can serve an important role and voice as well as help the town avoid mistakes such as language or omissions. There is a lot of cultivated expertise on this committee to encourage the Moderator to appoint people to the Finance Committee who are knowledgeable in zoning, so they always have a viable subcommittee.
- Ms. Wollschlager asked how this committee would fix those issues we see now by getting a proposed by-law with significant changes after the Planning Board has reviewed it.
 - Mr. Griesmer said that a committee like this would not be bound by the three-week statutory delay or wait for Town Meeting to begin or to report issues. The objective for this committee is to focus on the language of proposals not to become an advocate for proposals but to analyze what a zoning by-law might mean.
- Mr. Linehan asked for elaboration on the language used for Section 1.2 and 3.2 regarding zoning-related studies and analysis conducted by the standing committee for the purpose of informing Town Meeting.
 - Mr. Griesmer said the language in those sections is to accommodate a referral not for the purpose of informing Town Meeting.
- Mr. Scurlock noted that, considering the complexity of zoning, is the three-year term for members appropriate and would they be able to coalesce quickly enough.
 - Mr. Griesmer said the goal is that the Moderator would appoint people who came with a background in zoning.
- Mr. Coburn asked, with regard to Subsection 1.2, would you entertain putting in language explicitly to make those functions covered by 1.2 specifically within the context of referrals.
 - Mr. Griesmer said he is open to that but am unsure about the rest of the committee.
- Mr. Coburn asked whether there is a term limit for the members of this committee.
 - Mr. Griesmer said there is no term limit.
- Mr. Hayes noted that because the committee is dealing with zoning, does it fall under the Massachusetts General Law statutes about publishing a public hearing notice?
 - Mr. Griesmer opined that the statute governs only the Planning Board and only on the adoption or amendment of zoning.

- Mr. Hayes asked how many people in Natick might be qualified to sit on this zoning by-law review committee.
 - Mr. Griesmer said he did not know.
- Mr. Hayes noted there may be a very small group that has the expertise in zoning bylaws and the sponsor said that the Finance Committee may hear the articles after the Planning Board has heard it, and stated that the Finance Committee will hear zoning by-law articles when the motions are completed by the proponent, independent of whether the Planning Board has heard the article or not. Further, Mr. Hayes said that he assumed that the proposed standing committee would have those same expectations.
 - Mr. Griesmer agreed with this assessment.
- Mr. Hayes asked for clarification of what the language in Section 3.5 is trying to accomplish - will the standing committee take up the motion before the warrant closes?
 - Mr. Griesmer replied that this committee would not hold meetings on anything other than filed warrant articles and referrals.
- Mr. Coffey asked if Section 1.2 gives broad latitude for the committee to conduct any studies and analysis.
 - Mr. Griesmer said it does, but they are amenable to the suggestion that Mr. Coburn made to restrict that to referrals. Section 1.2 is intended only to allow standing committees to look at warrant articles in advance of Town Meeting action.

Committee Questions on Motion B:

- NONE

Committee Questions on Motion C:

- Mr. Sullivan asked if the Finance Committee were to defer to the Zoning Advisory Committee how would the Finance Committee's recommendations be interpreted.
 - Mr. Griesmer said that the Finance Committee would have No Recommendation.
- Mr. Hayes noted that the language in Motion C states that the Finance Committee shall include a statement of all questions pertaining to matters of business within any warrant article which were i) asked at its meetings or ii) asked of or through it in advance of its meetings and for which the Finance Committee did not receive answers.
 - Mr. Griesmer said if a warrant article sponsor does not provide an answer to questions posed by the Finance Committee, this should be reported to Town Meeting.

- Mr. Hayes: Based on your experience in orders of magnitude how many questions on the subject matter of the warrant does the Finance Committee ask or receive to be asked on any given Spring or Fall Town Warrant session?
 - Mr. Griesmer said “Hundreds”.
- Mr. Hayes asked how the Finance Committee, a volunteer committee would collect, track and manage hundreds of questions twice a year.
 - Mr. Griesmer said these are questions that are germane to a proposal where you did not receive an answer.
- Mr. Hayes asked how the Finance Committee would include questions we did not get answers for if we do not track them all.
 - Mr. Griesmer said the goal is to have the Finance Committee focus on key unanswered questions and have that be a section of your report on particular warrant articles and not be an exercise of extensive record keeping. He conceded that the language as worded in that particular paragraph will not work.
- Mr. Coburn asked if the Town Meeting Practices and Rules Committee plans to meet between now and Town Meeting.
 - Mr. Griesmer said they would meet at least once.
- Ms. Wollschlager: In circumstances where we are scheduled to hear a warrant article directly before Town Meeting and cannot fulfill that, how would we be able to create something in print? I am concerned about the wording “you shall”.
- Mr. DeLuca added if one of the Finance Committee’s questions was not answered sufficiently, the article sponsor may find that opinion was debatable.
 - Mr. Griesmer acknowledged that this paragraph will not work. The goal is to make Town Meeting more efficient and focused. If there is an important question you have and it has not been answered sufficiently, Town Meeting should know this.
- Mr. Sullivan noted that, as written, this article automatically opts out the Finance Committee unless the Finance Committee specifically opts in.
 - Mr. Griesmer agreed that this is what the article states.

Public Comments

- Ms. Salamoff pointed out that this proposal may highlight a town staffing issue regarding zoning. Ms. Salamoff suggested that the town consider going back to a pattern where Spring Town Meeting focused on the budget and zoning was not part of Spring Town Meeting. And, zoning could be focused on Fall Town Meeting.

Debate:

(Note: All motions were debated concurrently but voted separately)

- There is a lot of serious thought and laudable intentions by the sponsor of this article, but there are areas that need to be further considered to ensure that the standing committee doesn't metastasize into something counter-productive. Thus, referring the entirety of the motion makes sense.
- As a citizen petitioner of a previous similar article, he believes it will help the Finance Committee have less hardship in zoning bylaw discussions, but found Motion C to be problematic.
- The scope of this proposed committee needs to be narrowed and is concerned about adding one more layer of review and is skeptical that this will create greater efficiency. There are people who are appreciative that the Finance Committee goes through the zoning bylaws with a fine-tooth comb. In addition, Finance Committee meetings are televised so Town Meeting members can view those meetings in addition to reading the Finance Committee Recommendation Book.
- A member questioned whether this standing committee would save time and how the Finance Committee can evaluate whether it's successful or not and is reluctant to support formation of a committee without specific, measurable goals.
- This is somewhat analogous to the subcommittees that the Finance Committee established which have been very successful. The idea of this standing committee is a good idea if the identified drawbacks can be addressed and agreed that success metrics should be defined.
- A member voiced appreciation for all the good points the Committee has made tonight. He agreed that zoning by-laws are complicated, and sausage-making is more elegant. However, there are a few fundamental issues that I need to call out. If we segment zoning bylaws into those sponsored by the Planning Board and those sponsored by citizen petitioners, the "problem children" are the citizen petitioners who sponsor articles at the last minute and often aren't close to having a fully formed and vetted motion. Developers, oftentimes, are shopping ideas and they aren't fully prepared. The Planning Board typically meets with these developers before the warrant article is available with varying degrees of success. The poster child for this was the last Town Meeting where we had two competing articles – one from the Planning Board and the other from a citizen petitioner who clearly didn't coordinate with the Planning Board. The second area is the statutory requirement for the Planning Board to vote on all zoning warrant articles and the Town Charter says that they must include that information in the Finance Committee Recommendation Book. Mr. Evans is also concerned that this standing committee would report directly to Town Meeting – not to either the Finance Committee or the Planning Board. Any citizen can go to a Planning Board meeting and weigh in on zoning articles and many do so. He feels this is duplicative of what the Planning Board does and is not supportive of creating a Committee of Redundancy Committee that can create confusion for Town

Meeting members if there are two different views of a zoning bylaw by the committee and the Planning Board.

- Concerned about the process by which the Finance Committee determines whether it wants to review zoning articles.
- A member stated he likes certain aspects of this article, but other caused discomfort so is supports referral to the sponsor. He noted that he the creation of this standing committee will not change anything and noted that a previous speaker talked about the time boundaries that we have (6 weeks in the fall, 8 weeks in the spring) and the standing committee would be operating under the same timeline. If the premise is that this committee is focused on zoning only, they would need to somehow compel the sponsor to have all their materials completed to meet their schedule. He also expressed concerns about the longevity of participation of subject matter experts on this committee where there are three-year rolling terms with unlimited tenure. . Hypothetically, if we remove the people on the Planning Board and the ZBA, the pool of zoning experts shrinks dramatically. The Finance Committee already struggles with meeting the deadlines to create a Recommendation Book for Town Meeting without additional complexity. Until we fix the compressed schedule, this problem will continue. If the committee can come back and do some things that are less concerning for me, I would be willing to consider favorable action.

Other Information

The three motions under Article 38 are being provided in order to allow Town Meeting members to have a fuller understanding of the Town Meeting sponsored committee's body of work leading in to the 2019 Fall Annual Town Meeting, and in light of the detailed questioning from Finance Committee members. Including these motions, should in no way, be construed as an endorsement of any.

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

(Town Meeting Practices and Rules Committee)

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 a special advisory committee to Town Meeting with respect to all zoning warrant articles. It shall consider, recommend and report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of Town Meeting action.
- 1.2 Furthermore, the Committee shall conduct any studies and analyses of the Town it deems 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 interest 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 Town Meeting. 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 Advisory 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.”

PROPOSED MOTION C:

Move to amend the Natick By-Laws Article 23 Section 4 – The Finance Committee as follows:

In the first (1st) sentence of Section 4, after the words “all matters of business”,” and before the words “included within the articles of any warrant for a Town Meeting” insert the words “except as provided below, which are”

and after the first sentence in Section 4, insert the following:

“Whenever the representative town meeting shall have established standing committee(s), other than the Finance Committee, in accordance with Article 2-9-(c) of the Town Charter and assigned special advisory responsibility for study, review and report in advance of town meeting action on subject matter of certain types of business within warrant articles to such special standing committee(s), the Finance Committee shall not have required responsibility for considering such matters of business. However, in such circumstances, the Finance Committee may, at its discretion, and shall, at the direction of the Moderator, consider, in advance of town meeting, all the matters of business within warrant article(s) the subject matter of which is assigned to a special standing committee.”

After the words “recommendations by a minority as such.” insert the following :

“Whenever the Finance Committee reports to Town Meeting and has not been able to consider all matters of business within any warrant article as required, the Finance Committee shall report in print that consideration did not occur or could not be completed and state the reasons why such consideration did not occur or was not completed.”

At the end of Section 4, insert the following:

“The report of the Finance Committee shall include a statement of all questions pertaining to matters of business within any warrant article which were i) asked at its meetings or ii) asked of or through it in advance of its meetings and for which the Finance Committee did not receive answers. The purpose of this provision is to highlight open items for the representative Town Meeting’s consideration.”

So that Article 23, Section 4 of the Natick By-Laws shall read

Section 4

Report, Recommendations

The Finance Committee shall consider all matters of business, except as provided below, which are included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article.

Whenever the representative town meeting shall have established standing committee(s) in accordance with Article 2-9-(c) of the Town Charter and assigned special advisory committee responsibility for study, review and report in advance of town meeting action on subject matter of certain types of business within warrant articles to such special standing committee(s), the Finance Committee shall not have required responsibility for considering such matters of business. However, in such circumstances, the Finance Committee may, at its discretion, and shall, at the direction of the Moderator, consider, in advance of town meeting, all the matters of business within warrant article(s) the subject matter of which is assigned to a standing committee.

The Finance Committee shall distribute its said report to each of the Town Meeting Members 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 said 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. Whenever the Finance Committee reports to Town Meeting and has not been able to consider all matters of business within any warrant article as required, the Finance Committee shall report in print that consideration did not occur or could not be completed and state the reasons why such consideration did not occur or was not completed. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant. Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town

The report of the Finance Committee shall include a statement of all questions pertaining to matters of business within any warrant article which were i) asked at its meetings or ii) asked of or through it in advance of its meetings and for which the Finance Committee did not receive answers. The purpose of this provision is to highlight open items for the representative Town Meeting's consideration.

End of Article

ARTICLE 39
Amend the Town of Natick General Bylaws and Zoning Bylaws to change references to the Board of Selectmen to the Select Board, and to change references to Chairman to Chair
(Jennifer Paige Adams et al)

Article Language

To see if the Town will vote to amend the Town of Natick General Bylaws and Zoning Bylaws to change references to the Board of Selectmen to the Select Board, and to change references to Chairman to Chair, or otherwise act thereon

Purpose of The Article

The purpose of these articles is to change gendered language in our Bylaws, Zoning Bylaws and Charter to gender-neutral terms. The objective is to provide clarity, by adjusting the language to reflect reality and common practice, and to promote inclusion in language relating to town matters.

Finance Committee Recommendation

The Finance Committee took the following action on Motion A:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 3, 2019**

Please turn the page for the motions.

MOTION A
Requires a Majority Vote

Move to amend the Town of Natick Bylaws by:

- 1. Replacing the word “selectmen” or “Selectmen” in Article 21A-5; Article 22-4, 6, 7, 8; Article 24-14.2, 15.2; Article 26-1; Article 40-2; Article 41-2, 4, 6; Article 50-1, 3, 5, 16.12; Article 51-6, 9f; Article 72-3; Article 73-1, 2, 3; Article 74-1, 2, 3; Article 75-4, 7, 11; Article 77-1 with the words “Select Board”**
- 2. Replacing the words “Board of Selectmen” or “board of selectmen” anywhere they appear with the words “Select Board”**
- 3. Removing from Article 60-3 the words “(the Board)”**
- 4. Replacing the word “Board” in Article 60-4 with the words “Select Board”**
- 5. Removing in its entirety Article 51-1, subsection m, which reads “(The term "Selectmen" means the Natick Board of Selectmen.)”**
- 6. Replacing the word “chairman” in Article 23-1.3 with the word “chair”**
- 7. Replacing the word “chairperson” in Article 25-1 with the word “chair”**
- 8. Inserting in Article 10 a new section 5 (e) that shall read “Renamed Executive Board. The Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duty and responsibilities vested in a Board of Selectmen by any votes of the Town and the laws of the Commonwealth, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Natick. To the extent reasonably practical, all policies, regulations, documents and Town communications shall be amended to replace references to the Board of Selectmen with Select Board, and to replace references to Selectmen with Select Board Members.”**

**The Finance Committee
took the following action on
Motion B:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 3, 2019**

MOTION B
Requires a 2/3 Majority

Move to amend the Town of Natick Zoning Bylaws by

- 1. Replacing the word “Selectmen” in Article VI-E with “Select Board”**
- 2. Replacing the words “Board of Selectmen” anywhere they appear with the words “Select Board”**

Finance Committee Public Hearing & Discussion

Information and Discussion of the Finance Committee

The Finance Committee took testimony and comments on both Article 39 and 40 concurrently. There were no additional questions, points of discussion or debate relate to this article.

Questions from the Committee

- Mr. Evans asked what the timing was for implementation of this change.
 - Town Meeting would need to approve Articles 39 & 40. Subsequently, voters would need to approve the change to the Town Charter in the next municipal election.
- Mr. Sullivan asked whether the change from Chairman to Chair would be applicable to all boards in town.
 - No. Just the Board of selectmen
- What’s the need for this change was.
 - This is to promote inclusion in our town and to provide clarity.
- Is there any significant cost to implementing this change.
 - The sponsors checked with the Town Clerk and was told that there was

none.

- It was asked whether the change to the Home Rule Charter would need to be approved by the state of MA.
 - The Town Clerk would have to send the Town Meeting results and the electoral results to the state. The Attorney General's office reviews Home Rule Charter changes. For the Home Rule Charter the MA legislature must approve, then it comes back to the Town for a voter referendum.

Public Comments:

- Julian Munnich, Town Meeting member, precinct 5- On a regular rotation, I have chaired the Planning Board and we have always signed documents as "Chair". Town Counsel has advised us against making global replace changes to zoning bylaws, although this may not be applicable in this case and advised that the Finance Committee check with Town Counsel. (Note: This was checked with Town Counsel and determined the blanket changes could be made as the motion contemplates.)
- Ian Mevorach, resident precinct 6 voiced support of these articles and believes it will make our political process more inviting for women and remove biased language.
- Josh Ostroff said that he and the petitioner met with the Town Clerk and the Town Moderator to get their counsel and looked at how several other communities had done it to avoid any problems. One thing we learned was that it would be prudent to note that "Select Board" is the entity historically known as the Board of Selectmen to ensure that documents signed by the Board of Selectmen would have continuity.

Debate

- A member noted that there are a number of communities in Massachusetts that have made this change. If we look at representative town meeting and town committees, these entities go back more than 100 years and it was no accident that it referred to "Chairman" and "Board of Selectmen" and it is time to update the language to reflect current laws.
- This is long overdue, and the member fully supports it.

End of Article

ARTICLE 40
Amend the Town of Natick Home Rule Charter to change references to the Board of Selectmen to the Select Board, and to change references to Chairman to Chair (Jennifer Paige Adams et al)

Article Language

To see if the Town will vote to amend the Town of Natick Home Rule Charter to change references to the Board of Selectmen to the Select Board, and to change references to Chairman to Chair, or otherwise act thereon.

Purpose of The Article

The purpose of these articles is to change gendered language in our Bylaws, Zoning Bylaws and Charter to gender-neutral terms. The objective is to provide clarity, by adjusting the language to reflect reality and common practice, and to promote inclusion in language relating to town matters.

Finance Committee Recommendation

The Finance Committee took the following action on Motion A:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **13-0-0**

DATE VOTED: **September 3, 2019**

MOTION A
Requires a 2/3 Majority

Move to amend the Natick Home Rule Charter by

- 1. Replacing the word “selectman” in Article 3-1 (g) with the words “the Select Board”**

2. Replacing the word “selectmen” in Article 3-1 (g) with the words “Select Board members”
3. Replacing the words “Board of Selectmen” or “board of selectmen” anywhere they appear with the words “Select Board”
4. Replacing the word “Selectmen” or “selectmen” anywhere they appear with the words “Select Board”
5. Replacing the word “chairman” in Article 2-11 (d) with the word “chair”
6. Inserting a new section 3-2 (e) that shall read “Renamed Executive Board. The Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duty and responsibilities vested in a Board of Selectmen by any votes of the Town and the laws of the Commonwealth, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Natick.”

Finance Committee Public Hearing & Discussion

Information and Discussion of the Finance Committee

The Finance Committee took testimony and comments on both Article 39 and 40 concurrently. There were no additional questions, points of discussion or debate relate to this article.

End of Article

ARTICLE 41
Contact Information Requirement for Town Meeting Members and Elected Officials
(Patricia Sciarra, et al)

Article Language

To see if the Town will vote to request Town Meeting Members and Elected Town Officials to provide contact information to the Town Clerk that creates reasonable accessibility to its constituents, to members of Town Agencies, to appointed and elected officials. Reasonable access means ability to make contact in 48 hours or less.

Purpose of The Article

The purpose is to provide constituents better and easier access to their elected town meeting members and elected officials. This gives constituents an easy way to participate their government and to ask questions and offer opinions on town issue

Finance Committee Recommendation

The Finance Committee took the following action:

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 17, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to add the practice that Town Meeting Members and Elected Officials provide contact information in the form of an email address and/or phone number to the Town Clerk following their being sworn in. And that the practice go into effect following the 2020 Spring Annual Town Election

Information Provided by the Sponsor

This article seeks to establish a practice and therefore does not impact the Town Bylaws or capital plan. For a minimal cost of maintaining and publishing a list, we could substantially improve communications.

Currently there is no easy way to contact TMM on a timely basis. The proposed solution would allow Natick residents to have the information necessary to timely contact them. The town website currently lists each precinct's meeting member names and addresses. Adding an email address to this existing list will add value by providing an avenue to contact representatives in an expedient way.

The town clerk's office would be responsible for collecting and maintaining the contact information. It should be noted that the town clerk's office already has an excel list of elected officials and this is already published on the website. We met with the town moderator, the town clerk and the town's information officer to discuss how to implement this article. All agreed that it could be easily accomplished.

Information and Discussion of the Finance Committee

Questions

- It was asked whether the “and/or” can be struck from this motion because he is amenable to receiving emails but doesn't want to provide his phone number.
 - The “and/or” indicates that providing a phone number would be optional.
 - It was added that the “and/or” was added following discussion with the Town Clerk, Town Moderator, and Town Information Officer where we were informed that some Town Meeting members are visually impaired and would prefer to receive phone calls.
- Where this information would be listed.
 - Town Meeting members are listed in a spreadsheet on the town website with names and physical addresses. This would add a column for email addresses. The email addresses would also be linked to precinct numbers so residents would know who their Town Meeting members are.
 - This information would be a resource that Committees would be able to utilize.
- It was asked whether there was any thought of providing town email addresses for each Town Meeting member, as the Finance Committee does, since that provides collaboration opportunities.
 - This was investigated with the town IT department and the cost for the Gmail suite was prohibitively expensive.
- It was requested confirmation that should Town Meeting members communicate amongst themselves they wouldn't violate Open Meeting Law (OML).
 - It was confirmed that Town Meeting is exempted from OML.

Debate

- A member opined that it's incredible that this information is not available. At some point, this information was available at least for elected town officials.
- Another member said this will be real timesaver.

- A number of the elected boards do provide email addresses for their members and this article would disseminate that information, so it was suggested that information on how to obtain no-cost email accounts be included in the Town Meeting Handbook (guide for Town Meeting members).
- A member expressed disappointment that it was too expensive to provide town email addresses to Town Meeting members because it would foster a better two-way communication vehicle.

End of Article

ARTICLE 42
Feasibility Study for Increasing Parking Spaces for Morse Institute Library
(Saul Beaumont et al)

Article Language

To see what sum of money the Town will vote to raise and appropriate, or otherwise provide, for a study to determine the feasibility of increasing the amount of Morse Institute Library parking places. The study of the area around the library including Clarendon Street is to determine the feasibility and cost for the following items, including but not limited to:

1. increase the safety of using library parking to avoid crossing a public street
2. bring the disabled parking spaces closer to the library to avoid crossing a public street
3. increase the quantity of parking spaces available to the public to better support the library usage of more than a thousand users per day

or any other criteria otherwise necessary to fulfill the objectives of the feasibility study. Or take any further action with respect thereto.

Purpose of The Article

The purpose is to improve and make safe the inferior parking at the library to benefit the disabled, seniors, parents with young children, and typical patrons. The objective is to obtain funding to perform a feasibility study of modifying Clarendon Street to create a superior parking arrangement that eliminates the current lack of safety and other deficiencies.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

RECOMMENDATION: **Favorable Action**

QUANTUM OF VOTE: **8-5-0**

DATE VOTED: **September 3, 2019**

MOTION
Requires a Majority Vote

Move that the Town vote to appropriate the sum of \$15,000 from Free Cash for the purpose of implementing a feasibility study for modifying Clarendon Street (the street between the library and the police station) to increase parking spaces for Morse Institute Library and to move the disabled parking spots next to the library. Said funding to be expended under the direction of the Engineering Division of the Department of Public Works in cooperation with of the Morse Institute Library Board of Trustees.

Information Provided by the Sponsor

The Library has inadequate parking and this article attempts to address that. Right now, there are 9 spaces on Clarendon Street (two for disabled patrons) and are 15 minutes only. In addition, a disabled patron must travel up the street to cross in the crosswalk to get to the library. The rest of the spaces surrounding the library are either metered parking that is frequently full or permit parking (behind Public Safety building and church parking lot). This article is to fund a feasibility study to determine a solution to the library parking shortage.

Mr. Beaumont proposed a plan to close off Clarendon Street and investigated what a survey and feasibility study would cost. Clarendon Street is not a very busy street. It is primarily used by three groups: 1. people using the library 2. Police or Firefighters going to their building 3. People taking a short cut to avoid traffic lights or traffic jams. Benefit to Library Patrons: When this street is removed as a public thoroughfare, the patrons of the library will benefit greatly by increased safety for all and accessibility for the disabled.

Currently this library has less than ten percent of the parking availability per patron as most towns have in Massachusetts. Currently all people who use library parking need to cross this street to get to the library including the disabled and this would be changed. Currently all parking except the disabled is timed parking. Of the seven spaces, five are limited to fifteen minutes and two are limited to thirty minutes. This has forced parents with young kids to park elsewhere when they visit the library which usually means they need to cross streets which can be a challenge with young kids and the heavy traffic in downtown Natick.

The library is a town institution and resource and should be supported in all ways by the community. A comparison of Natick parking and neighboring towns can be seen in the chart at the end of this article, entitled "Comparison of Natick Library Parking with Neighboring Towns" which demonstrates the deficiency of the Natick parking situation. Impact on other users of Clarendon Street: The Police and Firefighters should easily adapt to driving one more block and using Washington Street to get to South Avenue. People who use Clarendon as a short cut will be able to adjust to the loss – library patron safety is a higher consideration.

There is no significant negative impact on the abutters on this street. There are some tradeoffs to be made but no deal breakers. It is an idea whose time has come. In the future, there will be less opportunity to find a place to park one's car, and in Natick, most residents cannot walk to the library.

Information and Discussion of the Finance Committee

Questions

- It was asked whether the closing off Clarendon Street would be within the scope of this feasibility study.
 - The sponsor said he believed it would be included in the feasibility study.
- Is there a specific committee or board that is charged with an overarching parking study that would study downtown parking as a whole.
 - The Chair indicated he does not believe there is a parking committee at present. A number of studies had been completed and the parking committee discharged. Also, as the sponsor noted the Natick 2030+ Master Plan identified downtown parking as an issue. It was also stated that the Downtown Parking garage study investigated the overall parking problem in downtown Natick.
 - Another member commented that there was library parking behind the Public Safety building that was co-opted for permit parking and asked whether there was anything in this feasibility study that would preclude that from happening again.
- It was asked whether meetings had taken place recently or the meetings referenced by the sponsor were in the past.
 - The sponsor met with town officials in May 2019 and met with the Town Administrator about two weeks ago and opined that the town was interested in finding a solution but had other priorities that it needed to focus on. Mr. Beaumont said he brought this article to get Town Meeting's reading on the priority this had with their constituents.
- A member asked whether the Police Chief, Fire Chief or safety committee was supportive of this design or whether they used Clarendon Street for other purposes.
 - They (Public Safety officials) tried to think of reasons why this specific proposal would not work rather than discuss the parking problem. The safety officer noted that the proposed design took away the sidewalks, which violates state law.
- The member asked whether the sponsor intended for this study to be funded for FY2020 (this year) or FY2021 (next year).
 - The sponsor said that he specified FY2021 given that the FY2020 budget was in effect, but would prefer that it be done as soon as possible.

Public Comments:

- Kathleen Donovan, Precinct 6, Library Trustee said that she is representing the library board of trustees (two other members – Sally McCoubrey and Gerry Mazur were also present) and urged that the Finance Committee give this serious consideration. Based on 660 responses to a survey to develop the Morse Library

strategic plan, parking was identified as the biggest problem and the Library needs the town's help to remedy the parking problems. The trustees would like to thank Mr. Beaumont for his time. Ms. Donovan stated that there were numerous overarching parking studies that yielded no change in suggested that we try to develop a tactical solution to address the library parking issues. Ms. Donovan suggested not focusing on the complete plan, but the need for increased parking on Clarendon Street adjoining the Library.

Debate

- The parking problem has been ignored by the town and this proposal will hopefully move the discussion forward whether funded from tax levy or free cash. The utility of the library is compromised by the lack of parking.
- A member said that he has a handicap placard and would like to go to the Library more, as well as attend more events, but is discouraged due to the parking issues.
- Another member agreed with the need and said that this is a creative solution and the town should look at this opportunity to focus smaller and address this parking shortage and begin a process of transformation. Many communities have revitalized downtowns by closing off selected streets to traffic. I support this feasibility study – it supports the financial principles and suggest using free cash to make it less complex to fit into this year's budget.
- A member added that the parking garage study was to address business and commuter parking issues. I'm hoping that this feasibility study might spark creative solutions to this problem.
- The next member stated he is loath to spend down free cash when we do not, at present, know the balance and believes that all downtown parking needs to be viewed holistically. Town Administration does need to move forward to address all these needs. There is metered parking behind the Public Safety building and in front of the Library without closing off the street. There is also a back parking lot for several of the businesses on Washington Street and this proposal would close off that parking lot.
- A member noted that this is not a proposal to shut down Clarendon Street – it is to fund a feasibility study. It's clear that a 3000+ resident to parking spaces ratio is inadequate. However, I've visited the Library about 150 times and haven't needed parking in a library-designated parking spot and questioned how another study would put a solution in motion, unless there is a will to do something about it on the part of the town and town administration.
- Another member agreed with these points, but noted that where there are multiple competing groups looking for a solution that addresses their parking problems, there's a high probability that nothing will get done. I think that this focused study to address the specific needs of library parking may accomplish its objectives.
- There is no denying that there is a shortage of spaces at the Library. This narrow specific parking requirement signals to town administration that this problem needs to be resolved. He pointed out that daytime parking is the big problem – at night, the parking meters are off and the lots for permit parking are available. There may be a way to close off access to the municipal parking lot from Clarendon Street to open up more spaces, but let's leave it to the feasibility study to determine options.

- A member pointed out the safety issues of the nine spaces that have no sidewalk right there when you get out of your car. This limited scope proposal is a good start towards developing a solution to the problem.
- The final member said that he will support referral, citing the position he took on the previous article because it uses money that may / may not be available. He expressed concern about the article wording because it refers to Clarendon Street and he would have preferred that the scope of the potential solution be broader. He encouraged the sponsor and the Library Board of Trustees to have a formal meeting with town administration to see if they can support this. Town Meeting makes up its own mind, though.

Other Information from the Public Hearing

Comparison of Natick Library Parking with Neighboring Towns

Town Library Parking Sorted by Residents per Parking Space

town/city	population	main library total spaces	residents per parking space
Dover	6279	40	157
Sudbury	18,317	68	269
Wellesley(3)*	27,982	100	280
Needham	28,888	100	289
Wayland	13,444	44	306
Framingham(3)	68,318	137	500
Natick(2)	35,282	9	3920

*= not counting parking at two branches

End of Article

ARTICLE 43
Annual Appropriation to Subsidize the Operation of the Lincoln Café at the
Community-Senior Center
(Jerry L. Pierce, Judy D’Antonio et al)

Article Language

To see if the Town will vote to appropriate an annual amount of \$10,000 to help subsidize the cost to continue to operate the Lincoln Café at the Community-Senior Center enabling us to continue to provide a healthy lunch at affordable prices for Senior Citizens of Natick which also provides them the opportunity to enjoy socialization with other Seniors with like interests; or otherwise act thereon.

Purpose of The Article

To continue to provide our Seniors with a healthy lunch for which they have become accustomed to as well as the opportunity to socialize with other Seniors.

Finance Committee Recommendation

**The Finance Committee
took the following action:**

**Referral to Town Administration,
Board of Selectmen and Council on
Aging**

RECOMMENDATION: **Referral to Town Administration,
Board of Selectmen and Council on
Aging**

QUANTUM OF VOTE: **9-2-1**

DATE VOTED: **September 3, 2019**

MOTION
Requires a Majority Vote

**Move Referral of the subject-matter of Article 43 to Town Administration, Board of
Selectmen and Council on Aging**

Information Provided by the Sponsor

The Senior Center in Natick opened in Fall 2012 and was not staffed to serve meals to seniors. In 1997, Town Meeting passed a warrant article to renovate the old kitchen in the previous building to provide and serve lunch for seniors. Funding this has been put on the back burner by the last three Town Administrators. Through private funding and solicitation, seniors accumulated \$12,000 designated for a café. The Lincoln café opened in May 2013.

We work very hard together with both our paid personnel and volunteers making our café a happy meeting place with tasty nutritious meals. It's an awesome place to visit with the average age of seniors well in their seventies and become personally involved with our customers. However we are not breaking even and losing money monthly. Food costs continue to increase although we continue trying to get the best wholesale deals from the best wholesale companies. Our request is for a \$10,000 annual subsidy that would be used to enable us to keep lunch prices stable and to take some of the financial pressure off of us. Seniors are such a vital segment of our community and want to keep them happy, healthy and mobile so they can continue to contribute to or society.

Wellesley has a caterer's kitchen, bringing in food in paper containers from local caterers and uses their volunteers. You must order in advance and the cost is \$5.. However, they are beginning to feel the pinch and starting shortly will be charging out-of-towners \$9 for lunch. Their Council on Aging (COA) director said they are subsidized by their Friends organization that has numerous very generous corporate sponsors. Their insurance is paid by the town. Hopkinton follows basically same procedure, order in advance, \$5.00 for a meal and are subsidized for at least \$25,000 a year and are given more if needed. They have one paid person working two days a week and insurance is paid by the town. Some cafes are run by the COA not by the Friends.

The Friends receive grants from Middlesex Savings Bank and Mutual One Savings Banks. However, those grants are very specific and not designed for the operations of the town so we are unable to use this grant money for the café. One of the Friends biggest expenses is sending out the Sentinel newsletter to our senior population. Between the mailing, stationery and refreshments for the twenty-five senior volunteers the cost is over \$11,000 annually.

Information and Discussion of the Finance Committee

Questions:

- What's the town's Free Cash balance is.
 - Certified Free Cash is not available yet.
- Mr. Coffey asked whether taxpayers paid for a commercial kitchen in this facility when it was built but made no provisions to staff it for meals. Mr. Pierce

confirmed that no provisions were made for staff to cook and feed the senior citizens.

- Was this brought to the Director of Community Services or the Town Administrator lately.
 - The sponsor noted that he asked the Town Administrator whether Free Cash could be used to support the café and was told that the town doesn't like to use Free Cash for recurring expenses. The sponsors are amenable to change the funding to tax levy. .
- It was asked whether they thought about working with the town on the FY21 budget this spring to move the funding of the cook position onto the town payroll since this is a recurring item.
 - The sponsors had asked the previous Town Administrator about this before and was told that could not be done.
- A member asked if the all the programs the Friends of the Senior Center funds, how much of it funds the café operation.
 - At least 75%. The Friends doesn't have a separate bank, but their bookkeeper separates the Friends account and the café account each month so that they know the profit/loss just for the café and a separate account for other Friends activities.
- It was asked whether the purpose of the Friends organization is to support the activities and programming at the senior center.
 - This was confirmed.
- A member noted that Town Counsel sent a written opinion to the chair of the Finance Committee that stated there is a significant fundamental issue with the article concerning a payment to the Friends of the Natick Senior Center. Municipalities cannot subsidize private organizations even nonprofits. Such subsidy is a violation of the Anti-Aid amendment. Given that, could the cost of the monthly newsletter be absorbed by COA instead of the Friends?
 - The sponsor said that could be viable and it would absolutely free up the money to use elsewhere, in the café, for example.
- Mr. Sullivan asked whether they can estimate how many citizens of the town of Natick buy a meal at that café in the course of the year?
 - Daily sales are 25-40 people a day. It's estimated that the sales were to about 775 citizens on an annual basis.
- A member asked whether the sponsors felt the Town Administrator was or wasn't supportive or responsive to this request.
 - The sponsor said that he feels the new Town Administrator would be very responsive considering past experiences with her. I did not want to burden

her with this and thought the warrant article would be the best way to get the money and to make the town aware of why we need the money.

Public Comments:

Sue Shea, Precinct 10, I am a member of the Friends and a past board member and treasurer. How much information, documents and reports do you need before we make a decision on the article? I am not in favor of this article and I ask that before you vote to make sure you have all the information going back to 1997 about the Friends, Council on Aging and on the café and look at everything right through to now and the issues as to why they have this kitchen. I think there should be something for the seniors. However, as a past member of the Finance Committee, I think you have a responsibility to look at alternatives and how other communities do it. Look at the possibility of going out and doing it the way Wellesley does it. We have come to a point where we really need to look at a different way of doing it.

Saul Beaumont, Precinct 10, I noticed we are talking about the dollars and how this gentlemen is looking at the number of meals per week. Just to go along with the details, \$10,000 is about a \$1 a meal based on forty meals a day. Some of you are thinking of coming up with the solution of getting the money. It isn't just about the money as a lot of seniors in this town who are living alone this is a big thing for them to be able to go out and socialize.

Debate

- The member said, in the next few weeks, he would like this issue discussed by the other boards to work on a solution to be retooled before it hits the floor of Town Meeting. Referral may be a good idea but he didn't want to move this down the road and wait for them to take an action in the spring. This needs to be fixed now I would ask members to postpone this and see what happens in a few weeks. If it can't be fixed now perhaps there is opportunity for people to do this and to take care of our seniors sooner rather than later.
- Member said he would like to see this resolved earlier which would require work on the proponents' part and if it doesn't get resolved early it would get pushed out to the spring.
- A member noted, given the text of the article before us and given the opinion read to us by Town Counsel, he can imagine a number of possible ways to address it all of which are outside the scope of this article. Trying to shoe-horn a solution into a way that fits the article that presumes the ability to do something we now have been told Town Counsel says we cannot do could likely leave us doing the wrong thing. We cannot reengineer articles and for that reason we should recommend referral of this matter to the people who can hold that discussion.
- A member spoke in favor of postponement and noted that for those 774 customers, the \$10,000 subsidy works out to about \$13/customer annually and is

wholeheartedly supportive of the intent of this article. However, we have a new Town Administrator who has been creative and successful in getting grant funding and we should give the proponents the opportunity to work with the Town Administrator to find the best course of action.

- Another member said she agreed with the sentiments of a prior speaker, but cannot support postponement because of the way article 43 is written, “to see if the town will vote to appropriate and annual amount of \$10,000” which Town Counsel says is prohibited and encourage continuing discussions with the town administrator because there may be services provided by the café that should be funded.
- A member confirmed the mental health and social benefit aspects, but expressed concerns that the four corners of this article may not provide the latitude to change the funding source. Town Counsel has weighed in that this is not an appropriate use of funds. I’d like to see development of a near-term and long-term solution. They created this nice commercial kitchen without any budget for staffing that kitchen and it shouldn’t solely be on the backs of the Friends to fund this café.

End of Article

ARTICLE 44
Rezone Properties Known as 1075 & 1085 Worcester Street from Industrial II to Highway Mixed Use I
(Paul McKeon et al)

Article Language

To see if the Town will vote to amend the Zoning Bylaws ad Map with regards to:

- 1) replace the Industrial II (INII) zoning district with the Highway Mixed Use I (HMI) on certain lots;
- 2) Amend the Section III-B (3), (4), and (5) regarding Large Parcels – lower minimum parcel threshold for large parcels from 200,000 square feet;

Purpose of The Article

To change zoning for specific parcels on Worcester Street

Finance Committee Recommendation

The Finance Committee took the following action:

RECOMMENDATION: **No Action**

QUANTUM OF VOTE: **12-0-0**

DATE VOTED: **September 24, 2019**

MOTION

Requires a Majority Vote

Move No Action on the subject-matter of Article 44

End of Article
