

**2019 Fall Annual Town Meeting
Marshall Lebowitz Town Meeting Room
Wilson Middle School
October 24, 2019, Fourth Session**

The Fourth Session of the 2019 Fall Annual Town Meeting was called to order at 7:35 PM by Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fourth Session of 2019 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office; there were none. The Moderator asked the audience to stand for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present for the meeting: Diane Packer, Town Clerk; Linda Wollschlager, Finance Committee Vice Chair; Bruce Evans, Finance Committee Secretary; Karis North, Town Counsel, Melissa Malone, Town Administrator; and Michael Hickey, Chair, Board of Selectmen. Sean O'Brien will operate the slides and Tim Lathwood, a representative from Option Technologies, will operate the electronic voting system.

The Moderator reviewed the general rules and procedures of Town Meeting which had been accepted at a previous session of 2019 Fall ATM. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by *Town Meeting Time*, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

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

Moved by Mr. Lista, seconded by Mr. Jennett to advance consideration of Article 44 until the first order of business on Tuesday, October 29th. *The motion passed by a two-thirds vote (87-9-3).*

Ms. McDonough moved, seconded by Ms. Collins to postpone consideration of Article 12, Motion A1 until Tuesday, November 5th. *The motion passed by majority vote (90-6-2).*

Moved by Mr. Freedman, seconded by Mr. Evans to advance Article 20 until Tuesday, October 29th as the second order of business. *The motion passed by a two-thirds vote (98-0-3).*

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

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.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on September 19, 2019 the Finance Committee recommended **favorable action** on Motions A-D under Article 32.

Motion A (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager 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.

Mr. Fields, Senior Planner spoke to this article. Moved by Ms. Evans, seconded by Mr. Munnich to refer Motion A under Article 32 to the Planning Board. *The referral for Motion A under Article 32 passed unanimously (106-0-0).*

Motion B (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager 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.

Moved by Ms. Evans, seconded by Mr. Munnich to refer Motion B under Article 32 to the Planning Board. *The referral for Motion B under Article 32 passed unanimously (105-0-0).*

Motion C (requires a two-thirds vote)

Moved by Mr. Evans seconded by Ms. Wollschlager 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

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 is not detrimental to the intent of this bylaw and 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.

Moved by Ms. Evans, seconded by Mr. Munnich to refer Motion C under Article 32 to the Planning Board. *The referral for Motion C under Article 32 passed unanimously (103-0-0).*

Motion D (requires a two-thirds vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager 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].

Moved by Ms. Evans, seconded by Mr. Munnich to refer Motion D under Article 32 to the Planning Board. *The referral for Motion d under Article 32 passed unanimously (104-0-2).*

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

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.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9-3-0 on September 24, 2019 the Finance Committee recommended **favorable action** on Motions A and by a vote of 8-4-0 on Motion B under Article 29.

Motion A (requires a two-thirds 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”.

Mr. Ramachandran, a resident of Precinct 4 and the citizen sponsor spoke to this article.

Moved by Mr. Griesmer, seconded by Ms. Collins to amend Motion A as follows:

Move that the Town vote to amend Motion A of Article 29 by deleting motion A in its entirety and replacing it with the following:

Move to delete the existing language in Section III - E 2 b 1 subsection iii, including the paragraph which immediately follows subsection iii e, in their entirety and

Insert, after Section III - E 2 b 1 subsection ii, the following:

“iii. The total number of multi-family dwelling units shall not exceed the number computed as follows:

- a. Gross Land Area of the Parcel,
- b. Divided by 675,

c. Rounded to the nearest whole number;

and

iv. The sum of the total Gross Floor Area of all the multi - family dwelling units shall not be less than a number calculated as five hundred and fifty (550) multiplied by the actual number of multi family dwelling units permitted, subject to the limit in iii - c above; and

v. For the avoidance of doubt, the provisions of this section shall apply irrespective of the type and size of non-residential uses in a mixed use development.”

So that Section III -E 2 b 1 now reads:

“1. Multi - family dwellings, provided that:

- i. the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;
- ii. all provisions of Section V-J are met to the satisfaction of the Special Permit Granting; and
- iii. The total number of multi-family dwelling units shall not exceed the number computed as follows:
 - a. Gross Land Area of the Parcel,
 - b. Divided by 675,
 - c. Rounded to the nearest whole number; and
- iv. The sum of the total Gross Floor Area of all the multi - family dwelling units shall not be less than a number calculated as five hundred and fifty (550) multiplied by the actual number of multi family dwelling units permitted, subject to the limit in iii - c above; and
- v. For the avoidance of doubt, the provisions of this section shall apply irrespective of the type and size of non-residential uses in a mixed use development.”

Moved by Mr. Sidney, seconded by Mr. Jennett to waive the reading of the motion. ***The motion to waive the reading passed by majority vote (by hand count).*** Discussion ensued on the amendment. Moved by Mr. Sidney, seconded by Ms. Foss to move the question and close debate. ***The motion to close debate passed by a two-thirds vote (91-10-4). The amendment failed (51-59-10). Motion A under Article 29 passed by a two-thirds vote (83-25-2).***

Motion B (requires a two-thirds vote)

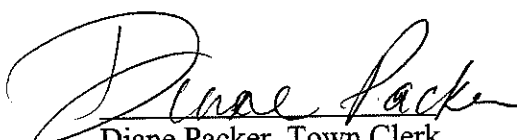
Moved by Mr. Evans, seconded by Ms. Wollschlager to amend the Town of Natick Zoning Bylaws by deleting the following text in Article V-D, Section 3, subsection b:

“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)”.

Discussion ensued on Motion B. Moved by Mr. Griesmer, seconded by Ms. Collins to move referral on the subject matter of Motion B under Article 29 to the sponsor. Moved by Mr. Grady, seconded by Mr. Sidney to move the question and close debate. ***The motion to close debate passed by a two-thirds vote (82-14-1). The motion to refer the subject matter of Motion B under Article 29 passed by majority vote (60-41-2).***

Mr. Sidney moved seconded by Mr. Ostroff to adjourn. ***The motion to adjourn passed by majority vote. The meeting adjourned at 10:30 PM until Thursday, October 29, 2019 at 7:30 PM.***

A record of the Fourth Session of
2019 Fall Annual Town Meeting
October 24, 2019


Diane Packer, Town Clerk