

**Warrant Article Questionnaire
Citizen Petitions Articles**

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 4	Date Form Completed: January 30, 2018
Article Title: Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses (Use # 12 of Use Regulation Schedule) in Industrial Zoning Districts by Special Permit	
Sponsor Name: George Richards	Email: grichards@southnaticklaw.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached motions.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To allow indoor amusement and recreational uses by special permit in Industrial Zones since many already exist by use variances and otherwise. Although the Zoning Board of Appeals (ZBA) has permitted many of the current recreational uses by way of use variances, they have indicated that they would prefer to see the zoning bylaws changed to allow these uses by special permit rather than to continue to allow them by variance. In addition, Town Counsel has since opined that use variances are no longer permitted so there is now NO regulatory path to currently allow recreational uses in Industrial zones.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Would allow the sponsor's client to file for a special permit for a "volley ball club" to be located at 0 Tech Circle.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	This will "legitimize" many recreational uses already located in industrial zones, specifically those recreational uses currently located in the East Natick Industrial Park. By allowing these uses, you are providing additional recreational uses and benefits for the tenants and owners of property located in Industrial zones, as well to others in town who use these recreational businesses.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws,

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	financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	This use is consistent with town's current bylaws and uses in Industrial zones and will cover gaps that already exist since these uses already are located in Industrial zones. There are no additional costs to the Town from allowing this change.
6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> • Town infrastructure (traffic, parking, etc.) • Neighbors (noise, traffic, etc.); • Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	There will be little, if any impact on the Town infrastructure and the neighbor's prefer "recreational" uses over other industrial uses currently allowed. In addition, the Bylaws already protect residential neighborhoods by requiring the indoor amusement or recreational building must be located at least one hundred (100') feet from any residential district. The proposed use on O Tech Circle will have minimal impact on the environment and will leave considerable open space.
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	We have reached out to other owners and tenants in the East Natick Industrial Park, as well as residential abutters on Rathbun Road, almost all of whom support the Article. The Sponsor also previously met with the Town's Community Development Director to discuss that Department's concerns with and/or possible support of this Article.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
Response	See Response to # 7 above. In addition, the Sponsor spoke with the acting Town Administrator who did NOT think the selectmen would take a position on the Article. We are schedule to appear for a public hearing before the Planning Board on February 28 th .

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9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	See Responses #2-4 above.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	No.
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	See Attached Memo.
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	The consequences to the Town is that the Article will give owners of land in these zones more options for possible tenants and might avoid other more disruptive "industrial uses" being proposed at 0 Tech Circle and in other Industrial zones. The Article would diversify allowable uses in industrial zones and allow the Sponsor's client to seek a permit for a "volley ball club" which would not otherwise be allowed. This Article takes NOTHING away from the landowners or the Town – it simply adds an additional use but only by way of a Special permit issued by the Planning Board in order to protect all involved stakeholders.

2018 Special Town Meeting # 1

ARTICLE 4

Motion # 1:

Move to Amend "Recreational Use 12" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "O" in the Industrial One (INI) Column to an "A".

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

"

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	O	O

"

**2018 Special Town Meeting # 1
ARTICLE 4**

Motion # 2:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the “O” in the Industrial One (INI) Column and Industrial Two (INII) Column to an “A”.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	A	O

“

**2018 Special Town Meeting # 1
ARTICLE 4**

Motion # 3:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding an asterisk after the “O” in the Industrial One (INI) Column.

So then the applicable chart **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CI	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of **Section III – A.2 – USE REGULATIONS SCHEDULE**, **RECREATIONAL USES** after Use 17:

*****Note:** Use # 12 above shall be allowed by special permit in the East Natick Industrial Park, being an area including ONLY the following lots as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”

2018 Special Town Meeting # 1
ARTICLE 4

Motion # 4:

Motion A:

Move to amend the Town of Natick Zoning By Laws

by inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS** a new overlay district as follows:

“Indoor Recreational Overlay District”

and

following **Section III-J – Historic Preservation** by inserting a new section, **Section III-K – Indoor Recreational Overlay District**, as follows:

“Section III-K – Indoor Recreational Overlay District

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

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

Motion B:

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



Areas where Recreational Use (health clubs, indoor sports centers, ect.) are allowed in industrial zones:

Framingham

- Manufacturing (M): yes
- Light Manufacturing (M-1): yes

Needham

- Industrial (IND): yes, by special permit. Applies only to Industrial Districts any portion of which is located within 150 feet of the Route 128 boundary, otherwise no.
- Industrial 1 (IND-1): yes, by special permit

Waltham

- Industrial (I): yes

Burlington

- Retail Industrial (IR): yes
- General Industrial (IG): no

Norwood

- Limited Manufacturing (LMBA): yes
- Limited Manufacturing A (LMABA): yes
- Manufacturing: (MBA): yes

Lexington:

- Manufacturing (CM): yes

Newton:

- Manufacturing (M): yes
- Limited Manufacturing (LM): yes