

Warrant Article Questionnaire Non Standard Town Agency Articles

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

Article # 27	Date Form Completed: 2/11/18
Article Title: Snow Clearing on Public Ways	
Sponsor Name: Board of Selectmen	Email: Joshua@ostroff.net

Question	Question												
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.												
Response	Move to amend Article 50, Section 18, subsection b of the Town of Natick Bylaws by removing the text “after it has been plowed.” and inserting the text “, nor deposit snow so as to impede snow removal operations, without the authority of the Town Administrator or his designee.”												
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?												
Response	Improve safety of Town sidewalks and facilitate snow removal.												
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?												
Response	<p>Type response here)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 25%;">Warrant Period</th> <th style="width: 25%;">Other Committees</th> <th style="width: 25%;">FinCom Action</th> <th style="width: 25%;">Town Meeting</th> </tr> </thead> <tbody> <tr> <td>STM 2017 #31</td> <td>Referral</td> <td>Referral</td> <td>Referral</td> </tr> <tr> <td>Previous TM</td> <td>Referral</td> <td>Referral</td> <td>Referral</td> </tr> </tbody> </table> <p>Spring 2017 article 31 was more comprehensive, and included the matter of depositing snow onto public ways, including sidewalks, but also included other motions that generated discussion and opposition, so the sponsors of the citizen’s petition requested referral. An article of this specific scope has not come before Town Meeting, to the knowledge of the sponsor.</p>	Warrant Period	Other Committees	FinCom Action	Town Meeting	STM 2017 #31	Referral	Referral	Referral	Previous TM	Referral	Referral	Referral
Warrant Period	Other Committees	FinCom Action	Town Meeting										
STM 2017 #31	Referral	Referral	Referral										
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4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?												
Response	To address safety and snow removal operational concerns on public ways. See attached images that are representative of sidewalk snow obstructions on public ways created by private parties.												
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?												
Response	N/A												

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6	<p>Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?</p> <p>Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?</p>
Response	<p>Municipalities have authority to regulate snow removal practices on public ways under MGL Chapter 40U, Section 5. https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40U/Section5 <i>Section 5. A municipality shall by ordinances and by-laws provide for the removal of snow and ice from sidewalks within such portions of the municipality as they consider expedient by the owner of land abutting such sidewalks. Such ordinances and by-laws shall determine the time and manner of removal and shall affix penalties, not exceeding \$200, for each such violation. Such ordinances and by-laws shall be specific as to the width of the area to be cleared and the standards for clearance.</i></p> <p>The article amends a bylaw that was recently amended as a technical correction.</p>
7	<p>How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?</p>
Response	<p>It modifies an existing bylaw. It does not have direct implications for the financial or capital plan. The Master Plan and other public engagement have indicated a desire for a more safely walkable community, which this article will encourage.</p> <p>There may be a concern that the bylaw would be enforced in areas of town where safety of pedestrians is less of a concern because of travel patterns and traffic density. Typically, Town Bylaws are an instrument for enforcement where a public need arises. Snow removal onto sidewalks that are generally unused would be unlikely to trigger enforcement, but that is a matter to be addressed by the Police Chief.</p>
8	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p>
Response	<p>Private property owners may need to amend their practices if they currently plow or otherwise deposit snow onto public ways, including sidewalks, in such as way as to cause a complaint. The Town may see increased requests for enforcement</p>
9	<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 • Appropriate Town Boards & Committees were consulted • Required public hearings were held

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Response	The previous article on related subjects was referred to the sponsors and to the Town Administrator, who agree that the DPW Director was appropriate as a contact person. In discussion with the DPW Director, the sponsors proposed this article to the Selectmen and Town Administrator at a public meeting, at which time both parties agreed to sponsor the article with the inclusion of a potential increase in the \$50 fee for impeding snow removal.(The fine is not proposed to be changed.) No other committees have yet been scheduled for discussion, although that is anticipated prior to Town Meeting.
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	No. There may be a need to explain the term "public way." In addition, there may be discussion about private parties being restricted from practices where the Town or its agents is not so restricted, because the Town has specific ownership and responsibility to maintain public ways.
11	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	Continued safety risk for pedestrians from snow removal practices, and to motorists from people forced to walk on busy roadways.