

# Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 38	Date Form Completed: 2018.09.07
Article Title: Division and distribution of powers regarding MGL c. 40B sections 20-23	
Sponsor Name: Julian Munnich, et al.	Email: julian.munnich@rcn.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	<p>Motions Attached:</p> <p>Article 38 consists of two motions. Motion A is to amend the Charter. Motion B is a contingent motion dependent on the passage of Motion A. Depending on a response put to Town Counsel; Town Meeting action on Motion B may not be required at this time.</p>
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	<p>Article 38 proposes to move the function and responsibility of permitting “40B Housing“, from the Zoning Board of Appeals, to the Planning Board.</p> <p>When the 40B statute was passed in 1969, the presumptive permitting board in Massachusetts municipalities was the ZBA. However; since the passage of the 1975 amendments to the Zoning Act, along with multiple subsequent changes, the major functions of site plan review and special permits have shifted to elected Planning Boards.</p>
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	The sponsors have no personal gain.
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	<p>Chapter 40B is a state mandate that municipalities create affordable housing. These projects are, however, on an administrative and permitting level, essentially exercises in Site Plan Review and Special Permitting. It is precisely the 1975 enablement of Planning Boards to perform Site Plan Review and Special Permits that indicates that it is appropriate for Planning Boards to review and permit 40B projects.</p> <p>In Natick, the Planning Board, has used the tools of site plan review and special permits to assure that large scale significant projects such as the Natick Mall and MathWorks are not just generic construction in the midst of asphalt, but high value amenities to the Town.</p>

## Warrant Article Questionnaire Citizen Petitions Articles

	Natick is a Town challenged by development pressure, limited space, and a housing supply that is having its full-spectrum naturally-affordable housing replaced by new housing representing the extremes of subsidized housing and housing beyond the means of the average workforce. These are the issues that are best addressed by a permitting body that is charged to not only “Master Plan” but to “Comprehensively Plan”.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	<p>The Town’s zoning bylaw was recently amended to better define the functions of site plan review and special permitting; as well as assigning more of those functions to the Planning Board.</p> <p>The Planning Board is better situated to incorporate affordable housing into a comprehensive plan for the Town that would include safeguards for all aspects of Town affairs including fiscal matters.</p> <p>This proposal is entirely enabled by state statute.</p> <ul style="list-style-type: none"> <li>-- Chapter 40B, s. 20 assigns the permitting function to a c. 40A, s. 12 entity.</li> <li>-- Chapter 40A, s. 12 provides for that entity to be defined by Charter.</li> <li>-- Chapter 43B, s. 20 enables the Charter to “divide” functions. (separate/segregate), and to merge consolidate those functions in another local office.</li> </ul>
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"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	The proposal would inherently create a process more along the lines of a Planning Board project review. All of the listed considerations are major components of Planning Board project review.
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	As a Charter initiative; the critical and essential participants are the voters of Natick.

## Warrant Article Questionnaire Citizen Petitions Articles

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8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	<p>As a Charter initiative this is consonant with the petition process for amendments of the Charter outlined in MGL c. 43B, s. 15.</p> <p>Questions have been put to Town Counsel as to the requisite form required by that section.</p>
9	<p>Why is it required for the Town of Natick AND for the sponsor(s)?</p>
Response	<p>40B projects have previously been “one-off” permitting exercises. That is an inherent aspect of ZBA procedures and practices.</p> <p>As a Town that is essentially fully built out; Natick needs to address 40B projects as a component of master planning.</p> <p>The sponsors have no individual, requisite, or pecuniary interest.</p>
10	<p>Since submitting the article petition have you identified issues that weren’t initially considered in the development of the proposal?</p>
Response	<p>There are the issues that still await directional advice from Town Counsel.</p>
11	<p>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</p>
Response	<p>On such a town specific topic, it is difficult to find a peer-set or comparable-list of municipalities to match against Natick. In less than two decades Natick moved the needle on its affordable housing stock from the vicinity of +/- 5% to over 10%. Not only has Natick used state inspired programs for creating affordable housing but has developed other zoning instruments such as the HOOP districts and targeted tools such as the 62+ housing. It is rare for any municipality to create as much affordable housing, protect as much open space, establish bespoke zoning for an aging population; all while hosting major Federal and State land assets; all in a compact area of some plus/minus 16 square miles.</p> <p>If this Charter change is approved by the Town of Natick, it is other communities that will be looking to our example.</p>

Warrant Article Questionnaire  
Citizen Petitions Articles

<b>12</b>	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	40B projects will continue to be treated as ad hoc anomalies by a permitting entity that is not constituted in a manner to apply site plan review and special permit standards. To date, previous 40B projects are generally agreed to not represent the best net advantage to Natick for combined fiscal and structural consequences. This is best seen by the underestimated effects on municipally provided services; especially schools, public safety, and transportation infrastructure.