



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following Meeting:

Town of Natick Finance Committee

Meeting Date: September 17, 2019

The minutes were approved through the following action:

Motion: Approval

Made by:

Seconded by:

Vote: x – x – x

Date: , 2019

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

MEMBERS PRESENT:

Patrick Hayes, Chair
Linda Wollschlager, Vice-Chair
Bruce Evans, Clerk
Michael Linehan, Member
David Coffey, Member
Jim A. Scurlock, Member
Daniel Sullivan, Member
Philip Rooney, Member
Jerry Pierce, Member
Tony Lista, Member
Bill Grome, Member
Dirk Coburn, Member

MEMBERS ABSENT:

Kristine Van Amsterdam, Member
Jeff DeLuca, Member

AGENDA:

1. Call to Order
 - a. Pledge of Allegiance & Moment of Silence
 - b. Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing
 - c. Review of Meeting Agenda and Ordering of Items
 - d. Swearing in of New and Newly Appointed Member
2. Announcements
3. Public Comments
 - a. Committee policy & procedures available via this link and also at the meeting location
4. Meeting Minutes
 - a. Discuss and Approve Meeting Minutes for: March 19, March 21, April 4, Sept 3, 2019
5. 2019 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 19: Amend Article 79A of the Town of Natick By-Laws: Stormwater Management and Erosion Control](#)
 - b. [Article 21: West Natick Fire Station Signal Controls](#)
 - c. [Article 27: Real Estate Transfer Surcharge In Support of Affordable Housing](#)
 - d. [Article 41: Contact Information Requirement for Town Meeting Members and Elected Officials](#)
- e. Article 25: Access to Hunnewell Fields - POSTPONED to October 1, 2019
- f. Article 26: 22 Pleasant Street - POSTPONED to October 1, 2019
6. Committee and Sub-Committee Scheduling
7. Committee Discussion (including items not on the meeting agenda)
8. Adjourn

CALL TO ORDER

Meeting called to order at 7:04 p.m. by Chair, Patrick Hayes.

ANNOUNCEMENTS/CITIZENS CONCERNS:

None

PUBLIC COMMENTS

None

Mr. Evans moved to open the 2019 Fall Annual Town Meeting Warrant Article Public Hearing, seconded by Ms. Wollschlager, Voted 12 – 0 – 0.

Article 19: Amend Article 79A of the Town of Natick By-Laws: Stormwater Management and Erosion Control

Presenters:

Ms. Jillian Wilson-Martin, Sustainability Coordinator, Natick

Ms. Victoria Parsons, Conservation Agent / Planner, Natick

Ms. Wilson-Martin provided an overview of the need for amendment of Article 79A. This is the culmination of a few years of research that identified the need to amend this bylaw article. Several years ago, we received funding from MetroWest Foundation and Mass Audubon to assess our land use regulations - the town's zoning, stormwater, subdivision rules and regulations, cluster development. The result of that assessment was that Natick's land-use regulations weren't aligned with the best practices that the Commonwealth recommends. Further, the development of the Master Plan, the Hazard Mitigation plan and the Massachusetts Environmental Protection (MEP) Community Resilience Building (CRB) plan all pointed to the need for improved stormwater management. At the same time, the town is subject to a new stormwater permit (MS4). We were able to receive funding through the MEP grant action program that enabled us to hire a consultant to review our regulations and craft new language. We worked with numerous people to draft this bylaw including any member of town staff that touches stormwater. The Stormwater Management Oversight Committee which includes the Health department, DPW Town Engineer, and the Water & Sewer Department along with the Sustainability Coordinator and the Conservation Agent.

Questions from the Committee

Mr. Linehan asked about section 4C.1c) "The addition, on-site redistribution or export of greater than or equal to 500 cubic yards, but not exceeding 750 cubic yards, of soil." Below that in 4D.2 it states "Reasonable and ordinary maintenance of existing lawn, landscaping, or gardens areas, provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns."

Mr. Linehan pointed out that this means above 50 cubic yards but less than 500 yards, nothing is required and asked whether it should be 500 cubic yards in both locations. Ms. Wilson-Martin said it should be 500 cubic yards in both places. The intent is that if you're adding more than 500 cubic yards you would be required to get a permit.

Mr. Linehan asked about the phrase "construction of any walls" and whether it was defined in the bylaw. Ms. Wilson-Martin said this is the current wording in the bylaw – the intent to disqualify walls is that a former conservation agent had a number of projects where walls were added and these are not considered ordinary maintenance. Mr. Linehan suggested adding language of walls over one foot high and Ms. Wilson-Martin agreed to do so.

Mr. Linehan noted that section 1H.1i) states "Approve the Application and issue a permit if it finds the proposed plan meets the objectives of and complies with the requirements of this By-Law;" and that the requirements are more quantitative and the objectives are qualitative and open to interpretation. Ms. Parsons said that they would be developing a set of regulations as part of this bylaw change and that could be used to clarify the objectives.

Mr. Linehan said it appears that Section 7 specifies that a person must hire a registered professional engineer or other professional consultant to advise the Conservation Commission and the applicant must pay review fees before the review process may begin. Mr. Linehan asked what the review process would be for the Conservation

Commission, particularly for minor permits. Ms. Wilson-Martin said that minor permits would be administered by either the Conservation Agent working closely with the Conservation Commission. Ms. Parsons noted that minor permits did not require review by the Conservation Commission and said that it was unlikely that a minor permit would need to submit all the plans specified in Section 8 of the bylaw. Ms. Wilson-Martin noted that the regulations would specify what types of plans would be required for which permit type.

Mr. Linehan asked for confirmation that the “Operation and Maintenance Plan” must be approved prior to the start of the project. Ms. Wilson-Martin confirmed yes. Mr. Linehan asked whether a change to the O&M plan would require a re-filing. Ms. Wilson-Martin said yes.

Mr. Linehan asked how the town would enforce these regulations. Ms. Wilson-Martin said applications for Major Stormwater and Erosion Control permits also require distribution to the Department of Public Works, and the Board of Health for review and comment, and shall be accompanied by certification of delivery to these Town entities when submitted to the Conservation Commission. Ms. Parsons said once the O&M plan is approved by the Conservation Commission or Designated Agent it is recorded at the Commonwealth of Massachusetts Middlesex South Registry of Deeds by the Permittee and shall remain on file with the Conservation Commission, and shall be an ongoing requirement. An order of conditions is required to be recorded at the Registry, but isn’t always recorded. When an order of conditions is recorded, we ask for formal notification that the order of conditions has been recorded. We could adopt a similar procedure to ensure that the O&M plans are properly recorded.

Mr. Rooney asked what was meant by the statement that our water bodies are listed as “impaired”. Ms. Wilson-Martin said that that statement doesn’t pertain to the drinking water aquifers but refers to recreational bodies of water. Ms. Parsons said the Massachusetts listing of water bodies grades their safety for various activities and compliance with the Clean Water Act.

Mr. Coburn asked for information on the review process of this proposed bylaw change. Ms. Wilson-Martin said that it has been reviewed extensively. The Board of Selectmen voted unanimously to support the motion. Mr. Hayes noted that the Board of Selectmen is the sponsor of this article and voted to support the proposed bylaw change. The Conservation Commission has approved it, and it has been reviewed by the town Stormwater Committee that includes the DPW Director, Town Engineer, the School Department and the Director of the Health Department. It was also reviewed and approved by the town MS4 consultant. It was shared with the Building Commissioner and they are supportive, although they haven’t seen the final draft yet. The Building Commissioner noted that they see a lot of practices on the part of construction developers that aren’t up to standard for site stormwater management practices. It has also been reviewed by the Mass. Department of Environmental Protection (DEP) as well as Mass. Audubon.

Mr. Coburn asked whether it would be reviewed by the Planning Board. Ms. Wilson-Martin said they declined to review because a member, Susan Simone-Kang has been advising us on the crafting of the bylaw. Mr. Hayes noted that this is a town bylaw and the Planning Board is not required to hear this article.

Mr. Pierce asked how property owners would be notified of the requirements for minor stormwater & erosion control permits. Ms. Wilson-Martin noted that the 3,000 sq. ft. of land disturbance is the typical disturbance associated with the construction of a new home. Our vision, pending approval of the Conservation Commission and Building Commissioner is to have a field in the Building Permit for this type of permit as a check-off item.

Ms. Wollschlager suggested that Town Meeting be provided with a redlined version of the bylaw that shows how the changes integrate and/or modify the existing bylaw. Ms. Wilson-Martin said Town Counsel advised them not to distribute a redlined version. Even though there is a lot of the original bylaw that has been retained, there are changes required to integrate the two types of permits (minor, major), capitalized and defined terms and deleted definitions in the previous bylaw that weren't used in the bylaw or any other portion of the zoning bylaw or general bylaw. We believed showing all the tracked changes would create a very confusing motion. Ms. Wollschlager asked whether a summary of these changes could be made available for inclusion in the Recommendation Book. Ms. Wilson-Martin said this summary is available in our response in section 1 of the Finance Committee questionnaire (this was inadvertently not distributed prior to the meeting and will be sent out later). Ms. Wilson-Martin also noted that this bylaw change puts us in line with other comparable communities with similar building density (more urban less rural than other communities). Ms. Parsons indicated that the town might be able to get grant funding to do educational outreach on the benefits of this bylaw.

Mr. Coffey asked whether town projects would be held accountable for these standards. Ms. Wilson-Martin said they would be subject to the same regulations for construction projects. However, roadway construction or re-construction is exempted in section 4D.10) "the maintenance or reconstruction of any public way, in accordance with Town policy developed by the Natick Board of Selectmen and Conservation Commission". This doesn't mean that DPW will not follow best practices for stormwater management, but it will permit them to avoid having to review every roadway project with the Conservation Commission, providing them with the latitude that they need to keep the roadways in good condition.

Mr. Linehan asked whether construction of a new home would require a permit. Ms. Wilson-Martin said that she and the Building Commissioner believe that any new construction would require a minor permit whereas an addition to a house would not and the Building Commissioner estimates that this would be approximately 30 minor permits per year.

Mr. Lista asked what other town's experiences have been as they decreased the disturbance threshold. Ms. Wilson-Martin said she spoke with the DEP Stormwater Coordinator who is also the Chair of the Needham Conservation Commission and oversaw their changes to their bylaw. In Needham, since 2006, only 50 land disturbance permits were issued. In addition, Dedham had similar experience in that few permits were required and the permit process was not viewed as problematic.

Mr. Rooney moved Favorable Action on subject matter of Article 19, seconded by Mr. Hayes, Not voted,

Mr. Linehan moved postponement of Article 19 until October 1, 2019, seconded by Mr. Lista, Voted 10 – 0 – 2

Debate

Mr. Linehan said he's very supportive of this change, but since it is a bylaw, there are some things that need to be nailed down. Postponement would enable the proponents to make these changes to get it closer to the asymptotic approach to perfection.

Mr. Lista agreed that more time is needed to perfect this motion.

Mr. Rooney said that this article improves the bylaw and the questions seemed to me to be more about implementation than the bylaw construction and I think that even with additional time you're going to be able to meet every possible contingency.

Mr. Hayes said he was comfortable with what Mr. Rooney said and added that the sponsor said at least three times that this is the bylaw, not the regulation and that's an important distinction because the regulations drive a level of detail that the bylaw was never intended to do. Conservation Commission is responsible for developing these regulations that are under their purview.

Mr. Coffey said he believes there were enough questions asked and gray areas identified so postponement makes sense to get a clean version to Town Meeting.

Mr. Coburn expressed strong support of the objectives and intent of the proposed bylaw and noted that there are provisions in the bylaws that we are voting for that have criminal penalties accountable to an appointed body so I would like to see that this bylaw come back clean.

Mr. Evans said that he supports the objective, acknowledged that it has received extensive review, but would like to read the sponsor's questionnaire responses prior to the October 1 meeting.

[Article 21: West Natick Fire Station Signal Controls](#)

Presenter:

Mr. Bill Chenard, Deputy Town Administrator, Operations

Mr. Chenard passed a revised Article 21 motion that corrects a misstated measurement from "x sq. ft." to "0.35 acres". This article transfers land to Mass. DOT per their request to be part of the state layout for the ramp so that a sidewalk can be part of the state layout. You have a map of the layout of that sidewalk and the motion provided tonight. The Board of Selectmen voted to support this motion last evening.

Questions from the Committee

Ms. Wollschlager asked the purpose of the curvature in the sidewalk design (beyond the contour of the road). Mr. Hayes said during the West Natick Fire Station Committee's review with the Planning Board, the Board requested addition of a sidewalk and guardrails. Mr. Chenard noted that the land being transferred is one foot inside the sidewalk. Mr. Hayes added the map is for reference only and not part of the motion.

Public Comments

None

Mr. Coburn moved Favorable Action on subject matter of Article 21, seconded by Mr. Linehan, Voted 12 – 0 – 0.

[Article 27: Real Estate Transfer Surcharge In Support of Affordable Housing](#)

Mr. Hayes said there was a miscommunication between the Chair and the proponent so this article will be reviewed on October 1, 2019.

[Article 41: Contact Information Requirement for Town Meeting Members and Elected Officials](#)

Presenters;

Ms. Patti Sciarra, Town Meeting member, Precinct 7

Ms. Sue Salamoff, Town Meeting member, Precinct 8

This article requests that the Town vote to add the practice that Town Meeting Members and Elected Officials voluntarily provide contact information in the form of an email address and/or phone number to the Town Clerk following their swear-in and to have this practice go into effect following the 2020 Spring Annual Town Election. We believe that this will help residents who are not Town Meeting members to participate in the political process and the running of town government.

Questions from the Committee

Mr. Coffey 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. Ms. Sciarra noted that the “and/or” indicates that providing a phone number would be optional. Ms. Salamoff 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. Mr. Sullivan asked where this information would be listed. Ms. Sciarra said 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. Ms. Sciarra added that the email addresses would also be linked to precinct numbers so residents would know who their Town Meeting members are. Ms. Salamoff added that this information would be a resource that Committees would be able to utilize.

Ms. Wollschlager 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. Ms. Salamoff said that this was investigated with the town IT department and the cost for the Gmail suite was prohibitively expensive. Mr. Coffey requested confirmation that should Town Meeting members communicate amongst themselves they wouldn’t violate Open Meeting Law (OML). Mr. Hayes confirmed that Town Meeting is exempted from OML.

Mr. Linehan moved Favorable Action on subject matter of Article 41, seconded by Mr. Pierce, Voted 12 – 0 – 0..

Mr. Linehan opined that it’s incredible that this information is not available. At some point, this information was available at least for elected town officials.

Mr. Pierce said this will be real timesaver.

Mr. Coburn stated that a number of the elected boards do provide email addresses for their members and this article would disseminate that information. Mr. Coburn suggested

that information on how to obtain no-cost email accounts be included in the Town Meeting Handbook (guide for Town Meeting members).

Ms. Wollschlager 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.

Mr. Coburn moved to close the public hearing on the 2019 Fall Annual Town Meeting warrant review, seconded by Mr. Evans, Voted 12 – 0 – 0.

Meeting Minutes

None

ADJOURN

Mr. Pierce moved to adjourn, seconded by Mr. Linehan, voted by 12 – 0 – 0.
Meeting adjourned at 8:53 p.m.