

# Warrant Article Questionnaire

## Citizen Petitions & Non Standard Town Agency Articles

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

Article # 25, FATM 2019	Date Form Completed: 9/30/2019
Article Title: ACCESS TO HUNNEWELL FIELDS	
Sponsor Name: Board of Selectmen	Email: selectmen@natickma.org

Question	Question
<b>1</b>	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, an easement for vehicular access, non-motorized conveyance, and/or pedestrian access, on the property located at 22 Pleasant Street, Natick, MA, for access to the Hunnewell Fields which abuts the property to the North, such easement being located [over the driveway to 22 Pleasant Street currently being used for this same purpose]; and further to vote to raise and appropriate, borrow, transfer from available funds or otherwise provide [\$100,000] for the purposes of this article; and to take all action necessary or appropriate to accomplish the purposes of this article.
<b>2</b>	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To authorize the Board of Selectmen to obtain legal rights of access to and egress from the Hunnewell Fields in order to preserve longstanding public access.
<b>3</b>	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	The authorization to pursue legal rights of access to and egress from the Hunnewell Fields.
<b>4</b>	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	The Town acquired the Hunnewell Fields well over 100 years ago. It is believed that,

*The information provided here is considered a public record.*

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	<p>for many years, the Town has relied upon one or more informal, temporary, revocable and/or unrecorded arrangements with the owner of the adjoining parcel (known as 22 Pleasant Street) for access/egress. It has been reported that the owner of 22 Pleasant Street erected access barriers as far back as 2009, and perhaps one or more times even longer ago, which temporarily impeded the Town's ability to access the Fields. The Article 26 questionnaire asserts that the Board of Selectmen was informed of these access problems in July 2014 by the 22 Pleasant Street Study Committee, and "urged to seek an access solution". The questionnaire further notes that the Board of Selectmen did that – by sponsoring an "access article" in Spring 2015 (Article 34 of Spring 2015). But, the Board requested and received referral to the sponsor. At that Spring 2015 Town Meeting, and at subsequent Town Meetings, numerous Articles have been proposed which relate at least tangentially to the issue of access to the Fields. Several of these Articles have passed which, in the aggregate, have authorized the Board of Selectmen to acquire the <i>entirety</i> of 22 Pleasant Street in fee simple, for \$3.2M, <u>provided that</u> the 22 Pleasant Street site be delivered to the Town with its documented environmental contamination having been fully remediated. With the assistance of Town Counsel, special environmental counsel, and a Licensed Site Inspector, the Board of Selectmen engaged in good faith negotiations with the owner of 22 Pleasant Street for at least two (2) years, before ultimately determining that the owner was insistent on transaction terms that were not within the scope of the Town Meeting authorizations. The Board reported this "impasse" to Town Meeting in 2018. At that time, Town Meeting did not support acquisition.</p> <p>Despite knowing of previous actions to impede the Town's access to the Fields, the focus for several years has been on more ambitious proposals – such as rezoning to accommodate an assisted living facility and, as noted above, acquisition of the entire 22 Pleasant Street site. Indeed, a more ambitious proposal is pending for the upcoming Fall Annual Town Meeting. With all of the past efforts having failed to produce demonstrable results (not for lack of effort), the Board of Selectmen finds itself essentially where it left off in Spring, 2015 – with an interest in addressing the specific issue of access to the Fields.</p>
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	The Town has a longstanding interest in maintaining and improving its playing fields, as noted in various master plans (including a plan specific to our playing fields).

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<b>6</b>	<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	<p>Were the Town to acquire formal rights of access to the Fields, there would be little to no noticeable impacts to the community, as it would essentially affirm the Town's right to continue doing what it's been doing for decades. A formalized approach may even allow for some incremental safety improvement.</p>
<b>7</b>	<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	<p>The critical participants are the members of the Board of Selectmen, the Planning Board, Conservation Commission, Building Department, Town Meeting, Town Administration (in particular, Natick Public Works), Natick Police Department, Natick Little League, and the owner of 22 Pleasant Street. For Article 25, a qualified appraisal for an access easement will be required such that Town Meeting appropriates a sufficient sum to effect a taking of the required easement.</p>
<b>8</b>	<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>This has been a longstanding issue for the Town, and has been the subject of numerous committees, warrant articles, agenda items, legal and appraisal services over the last 5+ years. More recently, Town Administration has arranged for informal meetings with stakeholder representatives from the Board of Selectmen, the Recreation and Parks Commission, the Planning Board and others. The Board of Selectmen has made efforts to collaborate and to promote a unified, consensus approach toward addressing the access issue. The Board respects that others have thoughtful ideas and visions with respect to this subject matter, but its unanimous decision to sponsor an access ("only") Article reflects the Board's position that solving</p>

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	the access issue once and for all ought to be the immediate priority.
<b>9</b>	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	The Fields are a key component of the Town's recreation program, and it is critical to maintain access and egress thereto.
<b>10</b>	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	Yes. There are alternative approaches to resolving the Town's longstanding interest in this property and adjoining playing fields, and considerable time and effort is still being expended. For example, since submitting Article 25, Town Administration has worked in parallel on determining whether there may be an "access solution" which does not require continued reliance on the 22 Pleasant Street site, or any other third-party owned property. A schematic rendering of such a solution has been provided to the Finance Committee and continues to be developed and refined in parallel. And, as noted above, the Board is aware of a proposal by the Recreation and Parks Commission (and certain individuals) to obtain a "surface and air rights easement" over all or substantially all of the 22 Pleasant Street site, as contemplated by Article 26. The questionnaire submitted in support of Article 26 seems to suggest that such a transaction structure would shield the Town from the environmental liability that prior Town Meeting authorizations (for acquisition of the fee) have gone to great lengths to address – i.e., Town Meeting has been very clear that its interest in acquiring the site in fee has been subject to a condition that the site be "clean" such that the Town would not find itself liability for known and unknown environmental conditions. The Board has been advised by legal counsel that such a transaction structure should not be assumed to equate to a shield from environmental liability, and the Board respectfully notes that the proponents of that proposal have not provided qualified legal support for the suggestion that the Town would be so shielded.
<b>11</b>	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	N/A.

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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	<p>As noted above, the Town and the owner of 22 Pleasant Street are parties to a letter agreement from 2015 which provides that the owner may terminate the Town's access immediately upon the sale of the property (with no prior notice) or upon one year's prior notice. The owner delivered its "one year" notice late last year, and therefore purports to terminate the Town's access as of December 1, 2019. Both Town Administration and Town Counsel have reached out to the owner of the 22 Pleasant Street site (either directly or through his attorney) in an effort to pursue a long term solution to the access issue, without success. Further, it has been reported that the owner has been making ongoing efforts to market the property for sale, so presumably an "immediate" termination notice could be provided at any time were the property to sell. In other words, the Town appears to remain under constant threat of "losing" access to the Fields, which threat has existed for many, many years.</p>