

FIRST DRAFT



**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 9, 2021**

The minutes were approved through the following action:

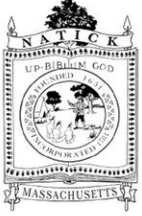
Motion: xxx  
Made by: xxx  
Seconded by: xxx  
Vote: 0 – 0 – 0  
Date: <date>, 2021

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee



**TOWN OF NATICK**

Meeting Notice

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, Sections 18-25

**Natick Finance Committee**

**DAY, DATE AND TIME**

September 9, 2021 at 7:00 PM

**PLACE OF MEETING**

Virtual Meeting accessed via Zoom: <https://us02web.zoom.us/j/7949362580>  
Meeting ID: 794 936 2580  
Passcode: 220129  
One tap mobile +19292056099,,7949362580# US (New York)  
Dial by your location +1 929 205 6099 US (New York)

Notice to the Public: 1) Finance Committee meetings may be broadcast/recorded by Natick Pegasus. 2) The meeting is an open public meeting and interested parties can attend the meeting. 3) Those seeking to make public comments (for topics not on the agenda or for specific agenda items) are requested to submit their comments in advance, by 2:00 PM on the day of the meeting, to [fincom@natickma.org](mailto:fincom@natickma.org). Comments will be posted on NovusAgenda and read aloud for the proper agenda item. Please keep comments to 350-400 words. 4) The Chat function on Zoom Conferencing will be disabled.

## **MEETING AGENDA**

Posted: September 7, 2021 11:30 AM  
Revised and Posted: September 7, 2021 6:53 PM

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
2. Announcements
3. Public Comments
  - a. [Committee policy & procedures available via this link and also at the meeting location](#)
4. 2021 Fall Town Meeting Warrant Articles - Public Hearing
  - a. [Article 22: South Natick Dam Mitigation Alternatives](#)
  - b. [Article 26: Amend Zoning By-Laws: Agri-Tourism Accessory Use](#)
  - c. [Article 27: Amend Zoning By-Laws: Livestock Accessory Use](#)
  - d. [Article 30: Amend Zoning By-Laws: Special Permit Lapse](#)
5. Meeting Minutes
  - a. Review & Approve Meeting Minutes for August 24, 2021 and September 2, 2021
6. Committee and Sub-Committee Scheduling
  - a. Update on upcoming Committee and Subcommittee meetings
7. Committee Discussion (for items not on the agenda)
8. Adjourn

Meeting may be televised live and recorded by Natick Pegasus. Any times listed for specific agenda items are approximate and not binding. Please note the committee may take the items on this agenda out of order.

### **MEMBERS PRESENT:**

Hossam Behery, Member  
Dirk Coburn, Member  
David Coffey, Member  
Cathy Coughlin, Member  
Bruce Evans, Secretary  
Bill Grome, Member  
Todd Gillenwater, Vice-Chairman  
Kat Monahan, Member  
Richard Pope, Member  
Linda Wollschlager, Chairperson

### **MEMBERS ABSENT:**

Jeff DeLuca, Member  
Julien LaFleur, Member  
Chris Resmini, Member  
Phil Rooney, Member

## Town Administration

Mr. Matt Benoit, Community & Economic Development (CED)  
Mr. Julian Munnich, Chair, Planning Board

Call to Order: Meeting called to order at 7:01 p.m. by Linda Wollschlager, Chairperson.

## Announcements –

Ms. Wollschlager announced that she had sent out a memo to members re: the vacancy on the Finance Committee and requested that if members know anyone who is interested to have them contact the Moderator.

Ms. Wollschlager announced that this coming Saturday is Natick Days, a fabulous day of fun for families and individuals.

## Public Comments: None

Mr. Evans moved to open the public hearing on the Fall 2021 Annual Town Meeting Warrant Article review, seconded by Mr. Pope, voted 10 – 0 – 0.

## Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Mr. Coburn = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. Evans = yes	Ms. Wollschlager = yes

## Charles River Dam Advisory Committee update

Mr. Coburn stated that he sent out links to the Committee's web site that will be very useful for the whole season. There are two places on the town website related to the Charles River Dam Advisory Committee, and I kept going to one site and seeing nothing posted, but went back to an old email and found the second link and that link is where everything's posted. A quick summary is that the dam is an asset and a liability. Because of the large amount of water that the dam impounds and the condition of the dam, it is deemed a "potential high impact them for failure". During the dam's last inspection [(gets inspected every five years by the state Department of Conservation Resources (DCR)]. it was noted that there is progressive erosion and there are very mature trees with roots penetrating very significantly into the earthenware dam. Both of those are heightened risk factors and progressive indicators of potential failure. For that reason, advisory Committee was formed to investigate the options to consider. There are two major routes and there are variants possible on each major route, that have been presented so far: 1) preserve the concrete spillway and repair and maintain the earthen dam, riprap (large stones) to reduce the prospect of future erosion around the shoreline, and removal of the trees on the earthenware dam in perpetuity. 2) Remove the concrete spillway and restoration of the Charles River to its natural or "undammed" state. The Committee had an organizational meeting in April 2021 that included the public presentation of the work that has been done by engineers to investigate feasibility of those two major paths forward and there were two public discussion sessions. The professional facilitators who are conducting the advisory committee process reviewed, aggregated, and analyzed the public input. There is a great link to a summary document that they've created, dated in August 2021 and this was presented to the Dam Advisory Committee (DAC). The Committee will be meeting more frequently this fall. The Committee plans to do field trips to see what the results were in other communities that evaluated and implemented each of these alternatives. October 2 is the first field trip – to Andover, MA where a dam has been removed. Mr. Coburn said he believes

the Committee will be visiting three sites: one where a dam has been removed, one where a dam has been repaired, and one that is similar to the status of the current dam. Mr. Coburn emphasized that he feels his role is not to be an advocate of a particular position, but to keep an open mind, follow where the data goes, and follow the financial and legal that are appropriate to our committee such as project cost and present and future operating costs as well as current and future liabilities. Legal considerations include potential litigation risk and compliance with statutes and regulations. Mr. Coburn said he wanted to avoid getting into the emotional questions about what people love about the site, and why they would use it. There is an asset value to having a river with a public waterfront with certain aesthetic properties. Mr. Coburn asked if members feel differently or if they feel he should pay particular attention to and give particular weight to certain items to let him know. With regard to tonight's article (#22), it was discussed very briefly. It was news to most of us on the Advisory Committee who had not looked into the article in any detail. Mr. Coburn said he was gratified to see the Town Administrator's memorandum tonight, which echoes what he told the advisory committee last week with regard to Article 22.

Mr. Evans commented that the materials from the website that Mr. Coburn forwarded are on NovusAgenda. The Charles River Advisory Committee has a community input report that's about that's all the survey information and it has a lot of great detail in it and he encouraged members to look at it at their leisure. He said the second thing is the presentation from the September 2 meeting that they're referring to is also up there and that provides a much shorter summary of what's what the current state of play is.

Mr. Coburn noted that there is a lot of great information in that summary report. There is a top line item that I wanted to point out. Many of us on the Dam Advisory Committee noted that they heard from a lot of residents who have lived for decades with what the present dam; people tend to love what is there and have a harder time engaging with what could be there. And we thought that much of the input would advocate for repairing the dam. So, it was a little surprising to us that it actually turned out the other way in that  $\frac{3}{4}$  of residents favored restoring the river to a wild (un-dammed) state. That said there was a significant portion of people who would like to see the dam repaired.

Mr. Gillenwater asked whether the Dam Committee would provide a Committee Report to Town Meeting. Mr. Coburn said the Committee discussed that and took it under advisement, so it is not clear whether there will be an interim report at Town Meeting.

*Mr. Evans moved to open up the Fall Annual Town Meeting 2021 public hearing, seconded by Mr. Pope, voted 10 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Mr. Coburn = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. Evans = yes	Ms. Wollschlager = yes

*Mr. Coburn left meeting prior to this discussion.*

Article 22: South Natick Dam Mitigation Alternatives

Presenter: Mr. Brad Peterson

Mr. Peterson said the South Natick dam and the associated public park has a unique scenic and historical importance that is of great interest to many in Natick and the surrounding areas. The current town administered process to address dam non-compliance appears to be broad, with significant civic community engagement, and an extensive advisory committee process. He opined that the process is flawed as it contemplates only two very specific pre-determined options: 1) removal of trees on the earthen dam with riprap reinforcement on the existing shoreline or 2) or breach and removal of the spillway (& restoration of the river to its state prior to the dam). It appears as though no comprehensive study has been undertaken to identify all the potential options for mitigation of dam issues and their effect on the associated public park. He stated his understanding of the proposed options are the result of expedient civil engineering solutions in that one of the options include “riprap” that the Town Engineer was at pains to describe as ugly like something you would find at the side of a highway The South Natick dam is not just another municipal project - it is the redevelopment of what many consider the most beautiful spot in Natick, perhaps even our prized jewel. While both options presented may be sound and cost-effective civil engineering solutions, they do not represent a full suite of solutions one would expect to contemplate in the redesign of an important public park. He urged that additional feasible options should also be considered. If the process was managed by a third party with experience in the redevelopment to public parks, such as a landscape architecture firm working in conjunction with a civil engineering firm, there would be a broader array of manner of dam mitigation solutions for the community at large to consider. Some of these solutions may be:

1. The earthen dam can be back filled on the down-stream side. The earthen dam would cease to be an earthen dam, and would become part of the riverbank. This would not require any tree removal, or beach of the spillway. This would not change the aesthetic nature of the South Natick dam complex in any appreciable way. A small area of protected wetland may have to be addressed, or offset elsewhere, as is routine in civil engineering.
2. The earthen dam can be front filled on the upstream side. The impoundment area of the Charles River on the upstream side is significant. Fill can be added to this area in sufficient quantity to address the identified issues with the earthen dam. As with previous example, fill can be added to a sufficient extent that the earthen dam is no longer considered an earthen dam, but simply becomes part of the riverbank. This may, for example, result in 20-40 ft. or more of new Public Park or wetland on the upstream side of the earthen dam.
3. The repair of the earthen dam has proposed by the town would require extensive use of manmade structural riprap. While this might be a cost-effective civil engineering solution to strengthen shorelines, it's aesthetically unpleasing and more appropriate to the use on the side of a highway than a uniquely historic significant scenic public park such as the South Natick dam.
4. Other solutions, such as the continuation of the existing masonry wall that's used extensively throughout either side of the historic spillway on the upstream side of the earthen dam would be more appropriate and consistent with the existing public park complex for any combination of the above or other alternatives.

Given the scenic and historical importance of South Natick dam complex, the process of solution identification should be managed by qualified third party and any changes should be managed in a process that would be used to alter a prominent a prominent public park. It should involve a landscape or civic park architecture group to oversee a sampling of community use and aspirations for the redesign of the park complex, which would include mitigation of dam non-compliance. This group should work in conjunction with a qualified civil engineering firm to then generate a wide selection of options for consideration by the wider community. Mr. Peterson opined that it appears as though we skipped that part and Article 22 seeks to establish the authority and appropriate funding to achieve this. Mr. Peterson stated that he would like the wording of the motion to town meeting to

authorize the sum not to exceed \$100,000, sourced from free cash or other funding sources as determined appropriate by Town Meeting to engage a landscape architecture firm rule that would report to the Natick Dam Advisory Committee and funds spent under the direction of the Advisory Committee.

Ms. Wollschlager noted that the proposed motion is not the one that was sent in the questionnaire, so we do not have that motion. Mr. Peterson said his understanding was that he can work with the Moderator right up until Town Meeting on the exact wording of the motion. Ms. Wollschlager said while the sponsor can change the wording of the Article, but that will not be what the Finance Committee would be able to review and make a recommendation. Typically, the Finance Committee reviews the motion that's as close to final as possible.

Mr. Peterson requested that he be able to edit his proposed motion to include the information that was not provided in motion that is in the questionnaire.

Mr. Evans stated that he would be happy to edit the motion that we have on-screen now. Ms. Wollschlager agreed to allow this.

The revised motion is as follows:

“To see if the Town will vote to fund an investigation into feasible alternative mitigation solutions for South Natick dam non-compliance, beyond the two specifically proposed (removal of trees on earthen dam with riprap enforcement on shoreline, or breach of spillway). Funding would be sourced from free cash, not to exceed \$100,000, under the control of the Charles River Dam Advisory Committee.

To engage qualified third-parties, such as a Landscape Architecture firm with experience in redesign of Prominent Public Parks to work in conjunction with a Civil Engineering firm to manage process.”

#### Questions from the Committee

Mr. Coffey asked Ms. Wollschlager how much available free cash there is. Mr. Coffey then asked (rhetorically) whether we are going to spend money from free cash without knowing whether it's available or not.

Mr. Coffey asked how many changes are anticipated to the motion before it gets to the floor of Town Meeting. Mr. Peterson said he needs to speak with the Moderator who may find something wrong with the motion, but the essence will remain the same.

Mr. Coffey asked whether there are any cost estimates for the proposed town solutions and what the estimated cost to generate other proposals would be. Mr. Peterson said the town has provided estimates as to their two proposals, but have no estimates on any other proposals.

Ms. Coughlin asked whether the sponsor has any particular background in this subject matter. Mr. Peterson said he is not a civil engineer or landscape architect, but reiterated that this should be treated as a public park and not a of simple civil engineering exercise where you look for solutions that are more appropriate to other municipal projects.

Ms. Coughlin noted that the sponsor had spoken with town officials regarding his ideas and asked what their feedback was. Mr. Peterson said he reached out to the Town Engineer and brought up one of the proposed solutions - backfilling the earthen dam. The town engineer pointed out that there was an area of wetland there in that would be difficult or impossible to do. Mr. Peterson said he believes that small areas of wetland are addressed in civil engineering projects all the time. I asked him about front-filling the dam and received no response. Mr. Peterson emphasized that he should not be responsible for generating a suite of solutions but is pointing out that, in his opinion, the solutions presented so far are unsatisfactory and there could very well be a much broader range of solutions available if some entity with the appropriate qualifications can apply some imagination to a very specific problem. He said that a state or federal agency said “you have trees growing on your earthen dam, please remove them and that became option one. Federal and state agencies are not known for having imagination or interest in the beautification of public areas. In his opinion, it was in the course of finding this option; the other option of removal of the dam became option number two. He said that this seems to be a very poor way of generating a suite of options for consideration by the community when we're talking about permanently changing this site.

Ms. Coughlin asked whether the Dam Advisory Committee envisions hiring a landscape architecture firm. Mr. Peterson said he did not know. He said he attended two of their sessions. The first was the introduction to the broader problem of the non-compliance the dam. And right from the start, there were only two very specific solutions proposed and he contends that is a critical failure of the process despite good intentions and exceptional community outreach.

Ms. Coughlin noted that the premise for this warrant article seems to be that, prior to any kind of public involvement, and formation of an advisory committee, that there were only two options identified and asked Ms. Wollschlager whether it was feasible to find out what considerations there were before these options were identified and whether there were discussions and it was narrowed down to these two options. Ms. Wollschlager said that her recollection was when it first came before the Finance Committee, the sponsor is correct in that the Dam Advisory Committee was asked to look at the two options, but there was a lot of study that went into those two options, maybe not with a landscape architect, but with other resources.

Mr. Evans suggested the Committee ask Mr. McDowell, the Town Engineer, because they've had an extensive process and I know that they've reviewed it with a number of civil engineers, EPA, state and federal. One of the sponsor's comments made earlier was that the EPA did not care about any of the aesthetics of the trees in the area of the dam. The dam is deemed under threat because the mature tree roots are compromising the dam itself to such an extent that the EPA declared it as "high risk" or something similar to that.

Mr. Pope asked whether the sponsor and calculated the marginal cost to engage civil engineering and major parks development firm and have them develop this sort of plan. Mr. Peterson said he did not, but he would imagine that it's a project that runs between six months in a year.

Mr. Pope asked whether the sponsor had spoken to the Recreation and Parks Director, the conservation agent and open space planner about your concerns since your concerns should be things that they would represent as members of the Dam Advisory Committee (DAC) since you are very focused on it being a park and, and open public space. Mr. Peterson said he spoke to the recreation and parks commission and, at one their sessions, they said they were going to provide advice to the Dam Advisory Committee. At the time, Mr. Peterson said he voiced my concern with the lack of options for the dam and intends to go back to the Recreation and Parks Commission and the Dam Advisory Committee to talk about my motion.

Mr. Gillenwater asked whether the DAC has expressed an interest in or agreed to take the money and do this work. Mr. Peterson said he has not been able to talk to the DAC yet, but I've gone through their public process and expressed my concerns. He said he hoped that as the sponsor of this Article, you will be able to speak to them directly.

Mr. Behery noted that the cost estimate for one of the options was \$1.5 million in 2017, but didn't see the cost for the second option. Given the fact that we're four years later, he stated that both options are going to be much higher, so the question is whether the \$100,000 is sufficient to do this type of work. Mr. Peterson did not know whether it would or would not be sufficient, stating that he did not know how much it would cost to engage the appropriate type of landscape architect, so estimated \$100,000.

Mr. Evans asked Mr. Peterson whether he knew whether DAC talked about hiring a landscape architecture firm at some point. Mr. Peterson said he did not. Mr. Evans said he would read a paragraph from a September 9, 2021 memo from the Town Administrator commenting on Article 22 – South Natick Dam Mitigation Alternatives.

*“Regarding the number of options that have been considered to date by consultants, the committee is currently exploring what is possible from a regulatory and physical perspective, as well as the feedback from the public throughout the process. There may need to be additional work to answer essential questions where the committee feels more analysis is needed. Funding is already available to support this work, which would be guided by the committee.*

*Town leadership and the planning team have also discussed the process to be considered for work to advance ideas from the community for what could happen with a redesign of the park complex adjacent to the Dam and determined that working on such a design would be premature, given the impacts on available park space from a potential dam project. Advancing such design work may also impact the work of the committee and input from*



*the community on the project, as it may inadvertently lead to a perceived conclusion on what to do with the dam itself. As such, once a direction is solidified on the dam, then next steps would include looking at the park space with a trained landscape architect.”*

Mr. Evans asked whether Mr. Peterson knew whether the DAC have a budget to hire civil engineering consultants and landscape architects. I know they have estimates of the cost of the two potential solutions, but he cannot find anything that specifies the breakdown of the budget. Mr. Peterson noted that the DAC had not provided those details and any other public presentations. Ms. Wollschlager said she would ask that question of town administration.

*Mr. Coffey moved to refer Article 22 to the sponsor, seconded by Mr. Evans, voted 8 – 1 – 0*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Ms. Coughlin = no	Ms. Monahan = yes
Ms. Evans = yes	Mr. Pope = yes
	Ms. Wollschlager = yes

*Ms. Coughlin moved to recommend Favorable Action on Article 22, not seconded.*

Debate

Mr. Coffey said this feels like an Article that is not ready for primetime. It requests funding from free cash and we don't know how much money is available in free cash and what other uses of free cash may be required to be spent in other areas at this Town Meeting. The number of \$100,000 has been picked out of thin air with no regard for what the actual cost may be. Mr. Coffey noted that the town already has an advisory board that is working in this program and the advisory committee, which is made up of people who know what they're talking about go about their work. Neither was the Conservation Commission consulted about the impact of the proposed alternatives and this is illustrative that this is not well thought out at this point in time. So without going through all the weaknesses, this is not ready for Town Meeting.

Mr. Evans agreed with Mr. Coffey's points and said that he researched the composition of the DAC to see what sort of representation we had from the town and the residents. Of 21 members, seven of them are town functions, including Town Administrator, Sustainability Director, Conservation Agent, Town Engineer, Recreation and Parks Director and DPW Director. The rest are either appointees by the Select Board or volunteer residents who serve on the Planning Board, Finance Committee, Recreation and Parks Commission, Commission on Disability, Historic District Commission Conservation Commission, and Open Space Advisory Committee. Mr. Evans said the town would be hard pressed to get a broader base of people looking for input on dam mitigation alternatives. In reading the work that the DAC has done, he noted that 73% of respondents lean towards removing the spillway - 56.47% of people who say yes to spillway removal and 16.76% said they leaned towards removing the spillway and that option retains all the trees in the area and preserves the look and feel of this area. Mr. Evans said no one is claiming that this is end solution now and said that he is very encouraged by the report from Mr. Coburn that the DAC plans to visit various town sites to see and understand the impact of dam removal, dam reparation, and dam replacement.

Mr. Evans noted another item from the Town Administrator's memo regarding a number of options that have been considered to date.

*“Regarding the number of options that have been considered to date by consultants, the committee is currently exploring what is possible from a regulatory and physical perspective, as well as the feedback from the public throughout the process. There may need to be additional work to answer essential questions where the committee feels more analysis is needed. Funding is already available to support this work, which would be guided by the committee.”*

For these reasons, he said that he is voting for referral.

Ms. Coughlin expressed appreciation to the sponsor for “thinking outside the box” looking for alternative solutions to maintain this beautiful historic section of Natick, She indicated that referral of this Article just punts it down the line and time is of the essence. A previous speaker talked about all of the people either connected to the advisory committee or on the advisory committee serving in town functions and claimed that those people are not necessarily driven by the historic acknowledgement of this dam or its beauty. I will not be supporting the referral motion and appreciate the time that the sponsor invested in developing this article.

Mr. Behery noted that he understands that Mr. Peterson has good motivation and intentions and applauds his idea of requesting multiple options. However, he said that he is seen the work that the DAC has produced and that indicates to him that this is not just a couple of ideas that considerable thought is behind it. Further, he said there is no civil engineering company will work for 12 months to propose multiple solutions with a \$100,000 budget, and will vote referral.

Ms. Wollschlager noted that the materials Mr. Coburn specified are on NovusAgenda site, as well as the link provided by Mr. Coburn. She said it's important to know what the DAC is and what it isn't. The actual decision making authority on this project is the Select Board - it's not Town Meeting. The DAC was appointed by the Town Administrator and is looking at these alternatives and are ultimately going to present their recommendations to the Select Board. Thus, she suggested that the sponsor work with the DAC - not with a separate article with separate funding, but work with the Committee to generate possible alternatives for the Select Board to consider. And if that fails, then the sponsor can go directly to the Select Board to try to persuade them. Giving the DAC money that they're not requesting is not the way to go – the DAC is charged with reviewing, discussing and evaluating the options of what to do with the dam. As we heard from Mr. Coburn, they're going to look at three alternatives and I encourage Mr. Peterson to get involved with the DAC, attend their meetings and make his voice heard there and not to advocate for an approach that is outside of the process, Ms. Wollschlager agreed with the statement that the town views this area as a jewel Natick and something that everyone wants to look out for. Ms. Wollschlager applauded the energy and passion of the sponsor in presenting this article, but thought the goals could be accomplished in a different way.

#### Article 27: Amend Zoning By-Laws: Livestock Accessory Use

Mr. Julian Munnich, Chair, Planning Board

Mr. Matthew Benoit, Development Review Planner, Natick community and economic development (CED).

Mr. Benoit stated that the purpose of this Article on accessory use is to resolve a conflict between the zoning bylaws as enforced by the Building Commissioner and the Board of Health (through the Natick health department). The Board of Health has regulated the keeping the livestock, chickens, etc. for years now and the conflicting nature of both the Building Commissioner and the Board of Health trying to enforce these different uses, has proven to be a problem. The two departments agreed that removing this section of the bylaw would put the livestock portion solely under the jurisdiction and enforcement of the Board of Health.

#### **MOTION:**

MOVE to amend Section V-B.2, Accessory Uses - Keeping of Livestock, by removing the section in its entirety as follows:

#### **~~V-B.2 ACCESSORY USES--Keeping of livestock.~~**

~~The keeping of livestock shall not be permitted in residential zones on lots less than 40,000 square feet in area, and any structure for housing such livestock shall be located at least 200 feet from any abutting residential structure. Such livestock shall be suitably fenced. Then such approval shall be subject to obtaining necessary permits from the Board of Health and Building Department.~~

Questions from the Committee

Ms. Coughlin asked what the rationale for this move is. Mr. Benoit noted that the present bylaw specifies the Planning Board as the enforcement authority, but no Planning Board member of the board who would enforce this bylaw. On the other hand, the Board of Health covers health aspects of livestock containment and is far more capable of enforcement than the Planning Board or the Building Commissioner could do. As an accessory use item, these are generally allowed with permits through the Board of Health and there is an annual review process with the Board of Health and they can review their licenses annually vs. the present situation where the Building Commissioner response to complaints from neighbors.

Mr. Evans stated that this reads like you're taking it out of the zoning bylaws and leaving it under the purview of the Board of Health. Mr. Benoit confirmed that this is the case.

Ms. Wollschlager asked whether the Board of Health agreed with this bylaw change. Mr. Benoit said he has spoken with Health Department Director James White and environmental health agent Mike Boudreau about this. They agreed that this aligns with their already established policies and removes any confusion regarding review and enforcement.

*Mr. Evans moved to recommend Favorable Action on Article 27 to the sponsor, seconded by Mr. Gillenwater, 9 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes

Mr. Grome = yes

Mr. Coffey = yes

Mr. Gillenwater = yes

Ms. Coughlin = yes

Ms. Monahan = yes

Ms. Evans = yes

Mr. Pope = yes

Ms. Wollschlager = yes

Debate

Mr. Evans said that this is a good clean-up article that makes sense to clear up the review and enforcement of this accessory use.

Mr. Gillenwater said he isn't sure the zoning bylaws needs to chase down chickens and bees any more than the health department does, but agreed that that the cleanup makes sense.

## Article 26: Amend Zoning By-Laws: Agri-Tourism Accessory Use

**Article 26 MOTION A:** MOVE to amend Section V-B.2, Accessory Uses - Keeping of Livestock, by removing the phrase: Keeping of Livestock from the section title and adding section number one (1) so it now reads:

### **V-B.2 ACCESSORY USES**

1. The keeping of livestock – shall not be permitted in residential zones on lots less than 40,000 square feet in area, and any structure for housing such livestock shall be located at least 200 feet from any abutting residential structure. Such livestock shall be suitably fenced. Then such approval shall be subject to obtaining necessary permits from the Board of Health and Building Department.

Mr. Benoit thanked the chair for considering Article 27 prior to Article 26, noting that both Article 26 and Article 27 involve the accessory use section of the zoning bylaws. So Article 27 passed and the livestock accessory use was removed, Article 26 would become the number one slot in Section V-B.2, Accessory Uses if Article 26 is approved by Town Meeting.

The purpose of this Article is to add Agri-tourism is an accessory use. During the pandemic, CED started a process to issue temporary outdoor dining licenses throughout the downtown area and we had the ability to do this throughout the community under state legislature at the time. One of our agricultural uses took advantage of this opportunity and opened a very popular and exciting restaurant that not only was beneficial to the community but also to the owners of that property. There was a great opportunity for an agricultural use to find other means to increase profitability when things declined in the agricultural sense. Similar to malls across America that are losing their anchors, farms are suffering in their own right, and CED saw this as an opportunity to include an accessory use provision that would give farms with large tracts of land (25 or more acres) the ability, under a special permit from the Planning Board, to possibly permit agri-tourism uses.

#### Questions from the Committee

Ms. Wollschlager asked for confirmation that Motion A is the section that's been deleted in Article 27. Mr. Benoit confirmed this was the case and stated that he wrote Article 26 this way due to its location in the warrant. If article 27 passed, Motion A is the section that will be eliminated and replaced by Motion B.

Ms. Wollschlager noted that, given that the committee made a favorable recommendation on Article 27. Motion A would not be needed. Mr. Munnich said that he would ask the Moderator to sequence Article 27 to be heard prior to Article 26 and then Article 26 Motion A would become superfluous. But if the same sequence is followed by town meeting, as is this evening by the Finance Committee, then motion a is superfluous and Town Meeting can just deal with motion B via a floor amendment. Mr. Munnich noted that he has viewed the Attorney General's municipal law unit tutorials on Zoning Bylaw changes and the issue of numeration ordering within bylaws. The Atty. Gen. allows town clerks to re-number bylaws that are presented to the Atty. Gen., so this may be less of an issue than we think. Mr. Munnich believes that the Planning Board recommendation to Town Meeting is that Article 26 Motion A exists solely as a numeration in the event that Article 27 does not pass. Absent that, the Planning Board will be seeking no action on Motion A and if the Finance Committee were to write something of that nature in its recommendation book, Town Meeting should be able to follow along.

Mr. Pope asked how many farms in town would meet the 25 acres or more requirements (besides the Natick Community Organic Farm and Lookout Farm). Mr. Benoit said the Planning Board did discuss that at the meeting and those two farms do exceed 25 acres. Another farm that exceeds 25 acres is on the border Natick and another community. Mr. Munnich said another farm is Hunnewell Farm (mostly in Wellesley).

*Mr. Evans moved to recommend No Action on Article 26 Motion A, seconded by Mr. Pope, 9 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Ms. Coughlin = yes	Ms. Monahan = yes
Ms. Evans = yes	Mr. Pope = yes
	Ms. Wollschlager = yes

Debate

Mr. Evans thanked Mr. Munnich and Mr. Benoit for the explanation of the planning board's intentions with this Article.

## Article 26 MOTION B:

MOVE to amend Section V-B.2, Accessory Uses, by adding the following after section one (1):

2. **Agri-tourism – A range of uses accessory to an agricultural use including, but not limited to, restaurants or similar food service establishments, outdoor dining, indoor or outdoor events, inns or similar specialty lodging, and retail stores with agricultural, food, craft, art or similar products.**
  - a. **Standards.**
    - i. **The primary use must be an agricultural use.**
    - ii. **The property must be a minimum of 25 acres.**
    - iii. **Lodging related uses are limited to no more than 6 rooms.**
  - b. **Review. This accessory use requires a special permit from the Planning Board. In its discretion to approve or deny a special permit authorizing an Agri-tourism accessory use, the SPGA shall consider the following:**
    - i. **The review conditions for all Special Permits, as specified in section VI-DD.2.A.b.**
    - ii. **The compatibility of the proposed agri-tourism accessory use with the agricultural primary use.**

*Mr. Evans moved to recommend Favorable Action on Article 26 Motion B, seconded by Mr. Behery, 8 – 1 – 0.*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Ms. Coughlin = no	Ms. Monahan = yes
Ms. Evans = yes	Mr. Pope = yes
	Ms. Wollschlager = yes

Debate

Mr. Evans noted that the Committee discussed the activities undertaken to help businesses during the pandemic. This past summer, TCAN had a couple of outside concerts at Lookout Farm that were very successful. And for those of you who have used the outside dining facilities, those same picnic tables where you were dining were used as seats for the concert. There was plenty of room and fresh air circulating and for people who are missing live musical performances, this was a fun evening. It's a win-win for these local businesses, to help sustain themselves through the COVID times. There are also many potential benefits to doing things with the Natick Community Organic Farm as well, so he wholly supports this.

Mr. Behery agreed that this is a win-win situation for everyone and thanked the sponsors for bringing it forward.

Ms. Coughlin said she'd like to support this, but is concerned about the lodging component that raises a whole additional set of issues and will not support this motion.

Article 30: Amend Zoning By-Laws: Special Permit Lapse

Mr. Benoit said the purpose of this Article is a minor language change in our regulations for the period for a special permit to lapse to be consistent with MGL. About five or six years ago, the Zoning Act changed the requirements for a special permit lapse from two years to three years to give more time for folks for special permits to be utilized. Our zoning bylaws still are two years duration, so we are updating this to three years to be consistent with MGL.

Questions from the Committee

Mr. Pope asked how many cases come before the planning board has someone whose special permit has elapsed and is seeking an extension occurred during the last five years. Mr. Munnich said he only remembers one such occasion that was a proposed assisted living facility at 119 131 West Central Street that requested an extension of the special permit because of delays from COVID-19 and an extension was granted by the board.

Mr. Munnich said the Planning Board voted 4-1 to approve this Article. He said he voted against it because he felt there may still be benefit in having applicants who haven't acted within a two year period to come back to the Planning Board and explain themselves. The Planning Board hasn't ever denied anyone an extension during my quarter century tenure on the Planning Board. That said, he said sometimes the people who come back are not the people who applied under the initial special permit.

*Mr. Evans moved to recommend Favorable Action on Article 39, seconded by Mr. Gillenwater, voted 9 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = yes	Mr. Gillenwater = yes
Ms. Coughlin = yes	Ms. Monahan = yes
Ms. Evans = yes	Mr. Pope = yes
	Ms. Wollschlager = yes

Debate

Mr. Evans said this enables the town to be consistent with state law and it reduces the possibility of potential litigation.

*Mr. Evans moved to close the public hearing, seconded by Mr. Grome, voted 9 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes	Mr. Grome = yes
Mr. Coffey = no	Mr. Gillenwater = yes
Ms. Coughlin = yes	Ms. Monahan = yes
Ms. Evans = yes	Mr. Pope = yes
	Ms. Wollschlager = yes

Committee and Subcommittee Scheduling

Ms. Wollschlager said that she has been unable to reach Mr. DeLuca to see whether the Capital Subcommittee will meet and said town administration is working on putting those articles together, so stay tuned, check your email, and there may be something moving forward on that. If we don't have a subcommittee meeting, we'll discuss all the capital articles in depth at our meetings.

Mr. Evans reached out to Dr. Nolin, who's on vacation this week and said he is trying to organize a meeting for next week. But that week is a difficult week, because it's we have there's a holiday in there, a Kennedy Middle School meeting in there and a Finance Committee meeting on Tuesday. We're most likely going to meet in the following week, so it will send out a Doodle poll with a few times from which to choose to meet.

Ms. Wollschlager said she would contact the former chair of the Finance Committee to get an update on the West Natick Fire Station.

Mr. Evans said that just before the next Kennedy MS Building Committee meeting, there will be a walkthrough of the school. There is some gymnasium work that remains to be completed as well as the turf field. Many of the rest of the items are fine tuning types of things and everything is expected to be completely wrapped up by early next year.

Ms. Coughlin reported that the Town Meeting Member recall study committee that was approved by town meeting (Article 33) was formed last May. The committee has five members and they had a number of meetings in June and July. They met last Thursday and it is a great group of responsive and involved people. This meeting was very important because Town Counsel attended to answer their questions, so they are making progress and hope to report more on this as they go forward. Ms. Wollschlager asked whether the committee would have a report for Fall Annual Town Meeting. Ms. Coughlin said it depends on when they get the written report from Town Counsel – it could be as soon as Fall Annual Town Meeting. However, she noted that were required to have the work completed thirty days prior to next Spring Annual Town Meeting, but they are close to being finished.

Mr. Behery asked Ms. Wollschlager and her to appoint him as a member of the General Government subcommittee.

Ms. Monahan noted that she had emailed Ms. Wollschlager about being interested in joining the Capital subcommittee.

*Mr. Evans moved to adjourn, seconded by Mr. Gillenwater, voted 9 – 0 – 0.*

Roll-call vote:

Mr. Behery = yes

Mr. Coffey = yes

Ms. Coughlin = yes

Ms. Evans = yes

Mr. Grome = yes

Mr. Gillenwater = yes

Ms. Monahan = yes

Mr. Pope = yes

Ms. Wollschlager = yes

**MEETING ADJOURNED - 8:56 PM**