

Warrant Article Questionnaire Non-Standard Town Agency Articles

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

Article # 17	Date Form Completed: 09.26.2023
Article Title: Amend Zoning Bylaw: Use Regulation (Update Use Categories and Definitions)	
Sponsor Name: Planning Board	Email: aloomis@natickma.org

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	<p>Warrant Language To see if the Town will vote to amend the Natick Zoning Bylaw by adding, deleting, or modifying definitions, use categories, and permitting requirements by zoning district, including, but not limited to amending Section 200 – Definitions; § III.A.2 Use Regulation Schedule; or act in any other manner in relation thereto.</p> <p>Motion Language Please see attachment for full motion.</p>
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	<p>Article 17 continues the work of cleaning up the Use Regulation Schedule. In this article the obsolete Subsidized Housing (SH) Zoning District column in the Use Regulation Schedule, in addition to references of such zoning district throughout the Zoning Bylaw are proposed to be deleted. There is no land in Natick designated as being in the SH Zoning District. The \District was created in 1973 in response to the Spring 1973 ruling of the Massachusetts Supreme Judicial Court upholding the validity of the Anti-Snob Zoning language in of MGL Chapter 40B. Natick’s 1973 Annual Town Report states that “the Planning Board believes that Article 83 establishes a concept and, hopefully a commitment on the part of the Town to implement a full range of housing for our young and elderly, while at the same time requiring the developer to come to Town Meeting for both your advice and consent.”</p> <p>Although the text of the SH Zoning District appears to have minimal amendments since 1973, the Town has approved numerous 40B (Comprehensive Permit) projects and adopted a 40R Smart Growth Districts without rezoning the relevant land. Natick has also added Section V-J Inclusionary Housing to the Zoning Bylaw.</p> <p>On a separate point, Article 17 updates the Use Regulation Schedule regarding MGL c 40A, Section 3 and the Dover Amendment, which reads as follows:</p> <ul style="list-style-type: none"> • <i>Education or Religious Uses: No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements</i>

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	<ul style="list-style-type: none"> <i>Child Care Facility: No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D</i> 		
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what have been the actions taken by the Finance Committee, other Boards or Committees and Town Meeting?		
Response	Amendments relative to the Subsidized Housing (SH) Zoning District, dates back to 1973, ATM voted to establish the SH Zoning District (approved by the Attorney General on August 30, 1973).		
	Warrant Period Ex: 2021 SATM	Other Committees Ex: Planning Bd refer	FinCom Action Ex: Referral
	Article 83, ATM, 1973 – adoption of the Subsidized Housing (SH) Zoning District	Planning Board, recommended favorable action on March 26, 1973, with a vote of 5-0-0	March 29, 1973
	*Note: Article 17 builds on the efforts of Article 25 of the 2023 Spring Annual Town Meeting to create an up-to-date Use Regulation Schedule, as well as the efforts associated with Articles 15 and 16, of the 2023 Fall Town Meeting.		
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?		
Response	Article 17 builds in the efforts of Articles 15 and 16. Articles 15-17 are all an opportunity to update the Use Regulation Schedule by making organizational amendments for future substantive amendments. Before making sustainable amendments to the Use Categories, dated zoning districts need to be removed, and compliance with MGL needs to take place. Articles 15-17 are best practices to organize and establish a framework so that the Use Regulation Schedule can be user-friendly.		
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	Funding is not required for Article 17. All work associated with this article was conducted by Town staff, members of the Planning Board, and members of the Natick community who volunteered their time.		

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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>Yes. Article 17, builds upon the work outlined in Article 15 and 16 of this Town Meeting, preparing the way for substantial amendments to the Use Regulation Schedule in future Town Meetings. The organization of the Use Regulation Schedule is an iterative process. It should be noted that in practice the Town has complied with MGL c 40A Section 3 since its incorporation in the Mass General Laws.</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>The ability to utilize the Use Regulation Schedule is essential for the Town and stakeholders who want to live, work, and do business in Natick. Although not specifically identified in Natick 2030+ Master Plan, this effort to improve the efficiency and effectiveness of the permitting process aligns with other efforts outlined in Natick 2030+ Master Plan.</p> <p>Natick 2030+ states that "Natick has clearly tried to stay current with new planning ideas and approaches to land use regulations." It is vital for Natick to continue to do so.</p>
8	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p>
Response	<ul style="list-style-type: none"> • Natick Planning Board • Community and Economic Development staff • Stakeholders who use the Use Regulation Schedule
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
Response	<ul style="list-style-type: none"> • Legal ad for the opening public hearing, scheduled for September 27, 2023, was published in the Metro West Daily Newspaper on September 13, 2023 and September 20, 2023 • Legal mailers were sent to the abutting communities and required parties of interest the week of September 18, 2023
10	<p>Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?</p>
Response	<p>No. The only item that needed to be addressed was how to present the information in Article 17 so as to make clear the intent and expected impact of the changes in the Bylaw to members of Town Meeting and the community.</p>

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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	Articles 15, 16, and 17 for the 2023 Fall Special Town Meeting, build upon each other. The amendments recommended in these articles are for organizational and clarification purposes. If Articles 15, 16, and 17 is not approved, the Use Regulation Schedule will continue to be sub-optimal and future amendments to improve the Use Regulation Schedule will be delayed.