

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

February 13, 2018 at 7:00 PM
3rd Floor, Town Hall 13 East Central
Street Natick, MA 01760

PLACE OF MEETING

School Committee Meeting Room

MEETING AGENDA

1. **Public Concerns/ Comments**
2. **Meeting Minutes**
 - a. Meeting Minutes for January 25, February 1, 6 and 8 2018 - Review & Approve
3. **Old Business**
 - a. Finance Committee and Sub- Committee Process and Scheduling
4. **2018 Spring Annual Town Meeting Warrant Articles - Public Hearing**
 - a. Article 1- Authorize Board of Selectmen to Acquire, Obtain or Relocate Easements
 - b. Article 12- Amend By-Laws to Establish and Authorize Revolving Funds
 - c. Article 17- Increase Personal Exemption Amounts
 - d. Article 27- Snow Clearing on Public Ways
 - e. Article 32- Amend Zoning By-Laws: Signage (Street Addresses)
 - f. Article 33- Amend Zoning By-Laws: Clarify Site Plan Review Process
 - g. Article 35- - Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses
5. **2018 Special Town Meeting #1 Warrant Articles - Public Hearing**
 - a. Article 4 - Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses - Continuation
6. **Adjourn**

Please note the committee may take the items on this agenda out of order.

SUBMITTED BY

ITEM TITLE: Meeting Minutes for January 25, February 1, 6 and 8 2018 - Review & Approve

ITEM SUMMARY:

ITEM TITLE: Finance Committee and Sub- Committee Process and Scheduling
ITEM SUMMARY:

ITEM TITLE: Article 1- Authorize Board of Selectmen to Acquire, Obtain or Relocate Easements

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Questionnaire & Response including MOTION	2/13/2018	Exhibit

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

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

Article # 1	Date Form Completed: 2/13/2018
Article Title: Authorize Board of Selectmen to Acquire, Obtain, Abandon or Relocate Easements	
Sponsor Name: Board of Selectmen	Email: chenard@natickma.org

Question	Question
1	<p>Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.</p> <p>Note: Failing to provide a complete motion will likely require a rescheduling of the hearing to a later date.</p>
Response	<p>Move that the Town vote to authorize the Board of Selectmen, during Fiscal Year 2019, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the Town; and, further, to authorize the Board of Selectmen, subsequent to a public hearing, during Fiscal Year 2019 to abandon or relocate easements acquired for any of the foregoing purposes.</p>
2	<p>At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?</p>
Response	<p>Under this article, we propose to renew the Board of Selectmen's authorization to accept and obtain easements, as well as abandon and relocate easements. This is a standard request at each Spring Annual Town Meeting. Importantly we are not seeking, nor could we seek, authorization for the Selectmen to grant easements on Town-owned land to other parties; only Town Meeting has this authority.</p> <p>The authorization for Selectmen to accept easements facilitates timely action when such opportunities arise, and on occasion such grants of easements to the Town involve the relocation of an existing easement, necessitating the abandonment of the old easement. As has been the case under prior authorizations, the acquisition of any easements would be at no cost to the Town.</p>
3	<p>What previous Warrant's has this Article appeared and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?</p>
Response	<p>This has been a standing warrant article since the 2011 Fall Annual Town Meeting. The proposed motion includes language added through amendment at the 2016 Spring Annual Town Meeting; such language requires the Selectmen to hold a public hearing prior to voting to abandon or relocate an easement.</p>

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	With this authorization, the Town is in a better position to respond quickly to an offer from a private party to grant an easement to the Town, and avoid the risk of losing such opportunity and/or having to pay for the easement.
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	No funding is required.
6	To the best of your knowledge has any other actions of recent Town Meetings, Massachusetts General Laws or CMR's or other such legislation or actions, created a conflict for this article's purpose and objective?
Response	This article is consistent with prior Town Meeting actions, and permissible under MGL, CMR, etc.
7	To the best of your knowledge does a favorable action on the part of this Town Meeting create a conflict or a possible future conflict with the relevant Town Bylaws, financial and capital plans, comprehensive Master Plan, community values, or any relevant state laws and regulations?
Response	NO
8	Is there anything contemplated in the proposed motion that is different in how it's expected this article will be executed if acted on favorably by Town Meeting?
Response	NO
9	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	We would lose the opportunity to obtain and/or relocate easements in a timely and cost-effective manner.

ITEM TITLE: Article 12- Amend By-Laws to Establish and Authorize Revolving Funds
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 12 MOTION as of 2-13-2018 FINAL	2/13/2018	Exhibit

ITEM TITLE: Article 17- Increase Personal Exemption Amounts

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Personal Exemptions Quetionnaire & Response including MOTION	2/12/2018	Exhibit

Warrant Article Questionnaire

Standard (Recurring) Town Agency Articles

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

Article #17	Date Form Completed: 2/9/17
Article Title: Increase Personal Exemptions	
Sponsor Name: Board of Assessors	Email: dangelo@natickma.org

Question	Provide the Article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.																										
1	<p>Note: Failing to provide a complete motion will likely require a rescheduling of the hearing at a later date.</p>																										
Response	Move that the Town vote to increase the Personal Exemption Amounts by 55.5% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person.																										
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?																										
Response	The purpose of this article is to increase the exemption amounts for qualified applicants including seniors on fixed incomes and disabled veterans to keep pace with inflation and increased taxes.																										
3	What previous Warrant's has this Article appeared and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?																										
Response	<p>Type response here)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Warrant Period</th> <th style="width: 25%;">Other Committees</th> <th style="width: 25%;">FinCom Action</th> <th style="width: 25%;">Town Meeting</th> </tr> </thead> <tbody> <tr> <td>FTM 2016</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2016</td> <td></td> <td>Voted Favorably</td> <td>Voted Favorably</td> </tr> <tr> <td>FTM 2015</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2015</td> <td></td> <td>Voted Favorably</td> <td>Voted Favorably</td> </tr> <tr> <td>Prior</td> <td></td> <td>Voted Favorably</td> <td>Voted Favorably</td> </tr> </tbody> </table> <p>Comments: This article has appeared at Town Meeting for 21 years. It has been approved unanimously by the Finance Committee and Board of Selectmen as well as at past Town Meetings.</p>			Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016		Voted Favorably	Voted Favorably	FTM 2015				SATM 2015		Voted Favorably	Voted Favorably	Prior		Voted Favorably	Voted Favorably
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Prior		Voted Favorably	Voted Favorably																								

Warrant Article Questionnaire
(Recurring) Town Agency Articles

4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	To alleviate the tax burden of qualified applicants including seniors on fixed income and disabled veterans.
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	Financial relief granted to qualifying taxpayers is funded from the Assessors Overlay Account. This is under the direction of the Board of Assessors.
6	To the best of your knowledge has any other actions of recent Town Meetings, Massachusetts General Laws or CMR's or other such legislation or actions, created a conflict for this article's purpose and objective?
Response	N/A
7	To the best of your knowledge does a favorable action on the part of this Town Meeting create a conflict or a possible future conflict with the relevant Town Bylaws, financial and capital plans, comprehensive Master Plan, community values, or any relevant state laws and regulations?
Response	N/A
8	Is there anything contemplated in the proposed motion that is different in how it's expected this article will be executed if acted on favorably by Town Meeting?
Response	N/A
9	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?

Warrant Article Questionnaire

Standard (Recurring) Town Agency Articles

Response If the article is not approved, the Town exemption amounts would revert to the State of Massachusetts guidelines. Financially, that would mean the loss of the 52.5% increase voted in FY18 and would result in a decrease in the exemption dollars granted to each qualified applicant. For example, a Senior (41C) would see a loss in exemption amount from \$1,525 in FY18 to \$1,000 in FY19 which is the state guideline. Non-approval of this article would result in significant tax dollar increases to all qualified applicants. This will cause an unexpected financial hardship and may impact their ability to stay in their homes.

ITEM TITLE: Article 27- Snow Clearing on Public Ways

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Questionnaire & Response	2/13/2018	Exhibit
By Law Motion	2/13/2018	Exhibit
Sidewalk Obstruction Images	2/13/2018	Exhibit

Warrant Article Questionnaire Non Standard Town Agency Articles

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

Article # 27	Date Form Completed: 2/11/18
Article Title: Snow Clearing on Public Ways	
Sponsor Name: Board of Selectmen	Email: Joshua@ostroff.net

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	Move to amend Article 50, Section 18, subsection b of the Town of Natick Bylaws by removing the text “after it has been plowed.” and inserting the text “, nor deposit snow so as to impede snow removal operations, without the authority of the Town Administrator or his designee.”												
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?												
Response	Improve safety of Town sidewalks and facilitate snow removal.												
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?												
Response	<p>Type response here)</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Warrant Period</th><th>Other Committees</th><th>FinCom Action</th><th>Town Meeting</th></tr> </thead> <tbody> <tr> <td>STM 2017 #31</td><td>Referral</td><td>Referral</td><td>Referral</td></tr> <tr> <td>Previous TM</td><td>Referral</td><td>Referral</td><td>Referral</td></tr> </tbody> </table> <p>Spring 2017 article 31 was more comprehensive, and included the matter of depositing snow onto public ways, including sidewalks, but also included other motions that generated discussion and opposition, so the sponsors of the citizen’s petition requested referral. An article of this specific scope has not come before Town Meeting, to the knowledge of the sponsor.</p>	Warrant Period	Other Committees	FinCom Action	Town Meeting	STM 2017 #31	Referral	Referral	Referral	Previous TM	Referral	Referral	Referral
Warrant Period	Other Committees	FinCom Action	Town Meeting										
STM 2017 #31	Referral	Referral	Referral										
Previous TM	Referral	Referral	Referral										
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?												
Response	To address safety and snow removal operational concerns on public ways. See attached images that are representative of sidewalk snow obstructions on public ways created by private parties.												
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	N/A												

Warrant Article Questionnaire Non Standard Town Agency Articles

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>Municipalities have authority to regulate snow removal practices on public ways under MGL Chapter 40U, Section 5. https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40U/Section5 <i>Section 5. A municipality shall by ordinances and by-laws provide for the removal of snow and ice from sidewalks within such portions of the municipality as they consider expedient by the owner of land abutting such sidewalks. Such ordinances and by-laws shall determine the time and manner of removal and shall affix penalties, not exceeding \$200, for each such violation. Such ordinances and by-laws shall be specific as to the width of the area to be cleared and the standards for clearance.</i></p> <p>The article amends a bylaw that was recently amended as a technical correction.</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>It modifies an existing bylaw. It does not have direct implications for the financial or capital plan. The Master Plan and other public engagement have indicated a desire for a more safely walkable community, which this article will encourage.</p> <p>There may be a concern that the bylaw would be enforced in areas of town where safety of pedestrians is less of a concern because of travel patterns and traffic density. Typically, Town Bylaws are an instrument for enforcement where a public need arises. Snow removal onto sidewalks that are generally unused would be unlikely to trigger enforcement, but that is a matter to be addressed by the Police Chief.</p>
8	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p>
Response	<p>Private property owners may need to amend their practices if they currently plow or otherwise deposit snow onto public ways, including sidewalks, in such a way as to cause a complaint. The Town may see increased requests for enforcement</p>
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

Warrant Article Questionnaire Non Standard Town Agency Articles

Response	The previous article on related subjects was referred to the sponsors and to the Town Administrator, who agree that the DPW Director was appropriate as a contact person. In discussion with the DPW Director, the sponsors proposed this article to the Selectmen and Town Administrator at a public meeting, at which time both parties agreed to sponsor the article with the inclusion of a potential increase in the \$50 fee for impeding snow removal.(The fine is not proposed to be changed.) No other committees have yet been scheduled for discussion, although that is anticipated prior to Town Meeting.
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	No. There may be a need to explain the term "public way." In addition, there may be discussion about private parties being restricted from practices where the Town or its agents is not so restricted, because the Town has specific ownership and responsibility to maintain public ways.
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	Continued safety risk for pedestrians from snow removal practices, and to motorists from people forced to walk on busy roadways.

Spring 2018 Article 27 Bylaw Amendment

Article 50

POLICE REGULATIONS

Section 18 Snow Removal

[Original]

- a. Any person leaving a vehicle so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
 - b. No person shall plow snow into any public way after it has been plowed.
-

[Redline]

- a. Any person leaving a vehicle so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
 - b. No person shall plow snow into any public way, nor deposit snow so as to impede snow removal operations, without the authority of the Town Administrator or his designee. ~~after it has been plowed.~~
-

[Proposed]

- a. Any person leaving a vehicle so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
- b. No person shall plow snow into any public way, nor deposit snow so as to impede snow removal operations, without the authority of the Town Administrator or his designee.



Sidewalks obstructed by private
snow clearing operations:
January 2018



ITEM TITLE: Article 32- Amend Zoning By-Laws: Signage (Street Addresses)

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Questionnaire Response & MOTION	2/12/2018	Exhibit

Warrant Article Questionnaire Non Standard Town Agency Articles

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

Article #32	Date Form Completed: 02 11 2018
Article Title: Amend Zoning By-Laws: Signage (Street Addresses)	
Sponsor Name: Planning Board (Terri Evans)	Email: tevens.pb@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>To see if the Town will vote to amend the Town of Natick Zoning By-laws by modifying Section V-H (Signs and Advertising Devices) as follows:</p> <p style="padding-left: 40px;">In Section V-H, Section C (Regulations Applicable to All Areas)</p> <p style="padding-left: 40px;">Add a new subsection 7, to read</p> <p style="padding-left: 40px;"><i>“7. <u>Street Address</u></i> <i>Unless specifically waived by the SPGA, any standing sign shall include at the top of the sign the street number or street address in letters not less than six (6) inches high. Such area shall not count against the maximum sign size as defined elsewhere in this Bylaw.”</i></p> <p style="padding-left: 40px;">Renumber the current subsection 7 as subsection 8, to read</p> <p style="padding-left: 40px;"><i>“8. <u>Term</u></i> <i>Special permits issued under Section V-H shall have a term of not more than seven years.”</i></p> <p>or otherwise act thereon.</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	Incorporate into the Zoning By-Law a long-standing practice of the Planning Board that requires monument signs to display street number or street address, for safety reasons and to assist the public in navigation.

Warrant Article Questionnaire Non Standard Town Agency Articles

3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?																											
Response	<div style="float: right; text-align: right;">No</div> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <tr> <th style="width: 25%;">Warrant Period</th> <th style="width: 25%;">Other Committees</th> <th style="width: 25%;">FinCom Action</th> <th style="width: 25%;">Town Meeting</th> </tr> <tr> <td>FTM 2016</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2016</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FTM 2015</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2015</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Prior</td> <td></td> <td></td> <td></td> </tr> </table> <p>Comments:</p>				Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016				FTM 2015				SATM 2015				Prior			
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Prior																												
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?																											
Response	This incorporates existing best practice into the Zoning By-laws. By doing so, it would help streamline the signage permitting process.																											
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	No funding required																											
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	This does not substantively alter any Town Meeting vote on this section of the Zoning By-laws in the past 10 years. (In 2007, the "Term" section renumbered here was added by vote of Town Meeting.)																											
7	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?																											
Response	Supports consistent best practice – that the public and public safety personnel are best served by the inclusion of street numbers or street addresses on standing signs.																											

Warrant Article Questionnaire Non Standard Town Agency Articles

8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	Planning Board and Community & Economic Development Office / Building Department staff
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	<p>Proposed language does not reflect any substantial change from past practice.</p> <p>I consulted with the Building Commissioner, who was positive about the proposed article and advised me of Police/Fire strong preference that street numbers or addresses be located on the TOP (rather than the bottom) of a standing sign.</p> <p>Planning Board public hearing is scheduled for February 28.</p>
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	No
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	Failure to pass this article would leave the requirement to include street numbers or street addresses on standing signs as a case-by-case Planning Board process.

Warrant Article Questionnaire

Non Standard Town Agency Articles

Section V-H (Signs and Advertising Devices), Section C (Regulations Applicable to All Areas)

Current language (section headers only)

1. Illumination
2. Construction and maintenance
3. Removal
4. Temporary signs
5. Historic signs and markets
6. Other signs
7. Terms

Proposed language in final form (section headers only except for new section 7):

1. Illumination
2. Construction and maintenance
3. Removal
4. Temporary signs
5. Historic signs and markets
6. Other signs
7. Street address

Unless specifically waived by the SPGA, any standing sign shall include at the top of the sign the street number or street address in letters not less than six (6) inches high. Such area shall not count against the maximum sign size as defined elsewhere in this Bylaw."

8. Terms

Redlined version:

1. Illumination
2. Construction and maintenance
3. Removal
4. Temporary signs
5. Historic signs and markets
6. Other signs
7. Street address

Unless specifically waived by the SPGA, any standing sign shall include at the top of the sign the street number or street address in letters not less than six (6) inches high. Such area shall not count against the maximum sign size as defined elsewhere in this Bylaw."

8. Terms (*renumbered from 7*)

ITEM TITLE: Article 33- Amend Zoning By-Laws: Clarify Site Plan Review Process

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Questionnaire & Response with MOTION	2/12/2018	Exhibit

Warrant Article Questionnaire Non Standard Town Agency Articles

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

Article #33	Date Form Completed: 02 11 2018
Article Title: Amend Zoning By-Laws: Clarify Site Plan Review Process	
Sponsor Name: Planning Board (Terri Evans)	Email: tevans.pb@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>To see if the Town will vote to amend the Town of Natick Zoning Bylaws Site Plan Review provisions for parks, trails, roads, driveways, and parking areas, by modifying Section VI-DD Section 2.B (Site Plan Review Applicability and SPGA Designation) subsection (e) as follows:</p> <p><u>Delete</u> the phrase “referred to in this Section VI-DD – 2” and</p> <p><u>Update the citation of relevant sections</u> so that Section 2.B (e) reads</p> <p><i>“e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts the construction of parks, trails, roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD-2.B(e) shall not remove the exclusions created by Section VI-DD 2.B(c).”</i></p> <p>or otherwise act thereon.</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	Affirms the responsibility of the Planning Board to conduct Site Plan Review for park- and trail-related projects in all zoning districts.

Warrant Article Questionnaire Non Standard Town Agency Articles

3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?																											
Response	<p>Yes</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 25%;">Warrant Period</th> <th style="width: 25%;">Other Committees</th> <th style="width: 25%;">FinCom Action</th> <th style="width: 25%;">Town Meeting</th> </tr> <tr> <td>FTM 2016</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2016</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FTM 2015</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2015</td> <td></td> <td></td> <td>Article 29 (passed)</td> </tr> <tr> <td>Prior</td> <td></td> <td></td> <td></td> </tr> </table> <p>Comments: This amends the article voted by 2015 SATM by deleting a clause that was inadvertently left in place in the 2015 motion.</p>				Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016				FTM 2015				SATM 2015			Article 29 (passed)	Prior			
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FTM 2015																												
SATM 2015			Article 29 (passed)																									
Prior																												
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?																											
Response	This affirms the intent of the sponsor in SATM 2015 Article 29																											
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	No funding required																											
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	Yes (see response to Question 3)																											
7	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?																											
Response	This motion ensures consistent Site Plan Review for <u>all</u> Natick parks and trails.																											

Warrant Article Questionnaire Non Standard Town Agency Articles

8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	Planning Board and Town entities responsible for management of Natick parks and trails, including Recreation & Parks and Cochituate Rail Trail Committee.
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	<p>I reviewed the proposed language with the Planning Board colleague responsible for the development of the 2015 article language to confirm original intent; discussed by Planning Board when voting to sponsor this article.</p> <p>Planning Board public hearing is scheduled for February 28.</p>
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	No
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	If this article is not passed, park and trail projects in Residential zoning districts (which are not listed in Section VI DD-2) may not undergo any planning review and, with it, assurance that such projects meet the site plan review criteria set forth in the Zoning By-laws.

Warrant Article Questionnaire Non Standard Town Agency Articles

Section VI-DD Section 2.B (Site Plan Review Applicability and SPGA Designation) subsection (e):

Current language:

e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts referred to in this Section VI-DD —2 the construction of parks, trails, roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD-2(e) shall not remove the exclusions created by Section VI-DD 2(c).

Proposed final language in finished form:

e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts the construction of parks, trails, roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD-2.B(e) shall not remove the exclusions created by Section VI-DD 2.B(c).

Redlined version:

e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts ~~referred to in this Section VI-DD —2~~ the construction of parks, trails, roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD-2.**B**(e) shall not remove the exclusions created by Section VI-DD 2.**B**(c).

ITEM TITLE: Article 35- - Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses

ITEM SUMMARY: This article will be held in public hearing in concert with STM #1 Article 4's public hearing. They are the same article scope by the same sponsor with the same proposed motion. There will be two sets of motions and debate on the article with the STM motions made and voted first.

ITEM TITLE: Article 4 - Amend Zoning By-Law to allow Indoor Amusement or
Recreational Uses - Continuation

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 14 Questionnaire	2/1/2018	Exhibit
Article 4 Map	2/1/2018	Exhibit
Updated Motion for Article 3 (Motion Option #3)	2/8/2018	Exhibit
Updated Motion for Article 3 (Motion Option #3) REDLINE VERSION	2/8/2018	Exhibit

Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 4	Date Form Completed: January 30, 2018
Article Title: Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses (Use # 12 of Use Regulation Schedule) in Industrial Zoning Districts by Special Permit	
Sponsor Name: George Richards	Email: grichards@southnaticklaw.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached motions.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To allow indoor amusement and recreational uses by special permit in Industrial Zones since many already exist by use variances and otherwise. Although the Zoning Board of Appeals (ZBA) has permitted many of the current recreational uses by way of use variances, they have indicated that they would prefer to see the zoning bylaws changed to allow these uses by special permit rather than to continue to allow them by variance. In addition, Town Counsel has since opined that use variances are no longer permitted so there is now NO regulatory path to currently allow recreational uses in Industrial zones.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Would allow the sponsor's client to file for a special permit for a "volley ball club" to be located at 0 Tech Circle.
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	This will "legitimize" many recreational uses already located in industrial zones, specifically those recreational uses currently located in the East Natick Industrial Park. By allowing these uses, you are providing additional recreational uses and benefits for the tenants and owners of property located in Industrial zones, as well to others in town who use these recreational businesses.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws,

Warrant Article Questionnaire Citizen Petitions Articles

	financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	This use is consistent with town's current bylaws and uses in Industrial zones and will cover gaps that already exist since these uses already are located in Industrial zones. There are no additional costs to the Town from allowing this change.
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"> • Town infrastructure (traffic, parking, etc.) • Neighbors (noise, traffic, etc.); • Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	There will be little, if any impact on the Town infrastructure and the neighbor's prefer "recreational" uses over other industrial uses currently allowed. In addition, the Bylaws already protect residential neighborhoods by requiring the indoor amusement or recreational building must be located at least one hundred (100') feet from any residential district. The proposed use on O Tech Circle will have minimal impact on the environment and will leave considerable open space.
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	We have reached out to other owners and tenants in the East Natick Industrial Park, as well as residential abutters on Rathbun Road, almost all of whom support the Article. The Sponsor also previously met with the Town's Community Development Director to discuss that Department's concerns with and/or possible support of this Article.
8	<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, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
Response	See Response to # 7 above. In addition, the Sponsor spoke with the acting Town Administrator who did NOT think the selectmen would take a position on the Article. We are schedule to appear for a public hearing before the Planning Board on February 28 th .

Warrant Article Questionnaire Citizen Petitions Articles

9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	See Responses #2-4 above.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	No.
11	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	See Attached Memo.
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	The consequences to the Town is that the Article will give owners of land in these zones more options for possible tenants and might avoid other more disruptive "industrial uses" being proposed at 0 Tech Circle and in other Industrial zones. The Article would diversify allowable uses in industrial zones and allow the Sponsor's client to seek a permit for a "volley ball club" which would not otherwise be allowed. This Article takes NOTHING away from the landowners or the Town – it simply adds an additional use but only by way of a Special permit issued by the Planning Board in order to protect all involved stakeholders.

2018 Special Town Meeting # 1

ARTICLE 4

Motion # 1:

Move to Amend "Recreational Use 12" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "O" in the Industrial One (INI) Column to an "A".

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

"

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	O	O

"

2018 Special Town Meeting # 1

ARTICLE 4

Motion # 2:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the “O” in the Industrial One (INI) Column and Industrial Two (INII) Column to an “A”.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	A	O

“

2018 Special Town Meeting # 1

ARTICLE 4

Motion # 3:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding an asterisk after the “O” in the Industrial One (INI) Column.

So then the applicable chart **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CI	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of **Section III – A.2 – USE REGULATIONS SCHEDULE** , **RECREATIONAL USES** after Use 17:

“Note:** Use # 12 above shall be allowed by special permit in the East Natick Industrial Park, being an area including ONLY the following lots as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”

2018 Special Town Meeting # 1
ARTICLE 4

Motion # 4:

Motion A:

Move to amend the Town of Natick Zoning By Laws

by inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS** a new overlay district as follows:

“Indoor Recreational Overlay District”

and

following **Section III-J – Historic Preservation** by inserting a new section, **Section III-K – Indoor Recreational Overlay District**, as follows:

“Section III-K – Indoor Recreational Overlay District

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit in certain industrially zoned areas.
2. **Procedure & Standards.** The SPGA may allow such uses by grant of a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A and the Special Permit and Site Plan Review sections of this by-law and provided the SPGA finds that:
 - a. The building is so insulated and maintained so as to confine noise to the premises;
and
 - b. The building is located not less than one hundred feet from a residential district.

Motion B:

Move to amend the Town of Natick Zoning Map by including in an Indoor Recreational Overlay District the land known as East Natick Industrial Park and being the lots shown Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C..



Areas where Recreational Use (health clubs, indoor sports centers, ect.) are allowed in industrial zones:

Framingham

- Manufacturing (M): yes
- Light Manufacturing (M-1): yes

Needham

- Industrial (IND): yes, by special permit. Applies only to Industrial Districts any portion of which is located within 150 feet of the Route 128 boundary, otherwise no.
- Industrial 1 (IND-1): yes, by special permit

Waltham

- Industrial (I): yes

Burlington

- Retail Industrial (IR): yes
- General Industrial (IG): no

Norwood

- Limited Manufacturing (LMBA): yes
- Limited Manufacturing A (LMABA): yes
- Manufacturing: (MBA): yes

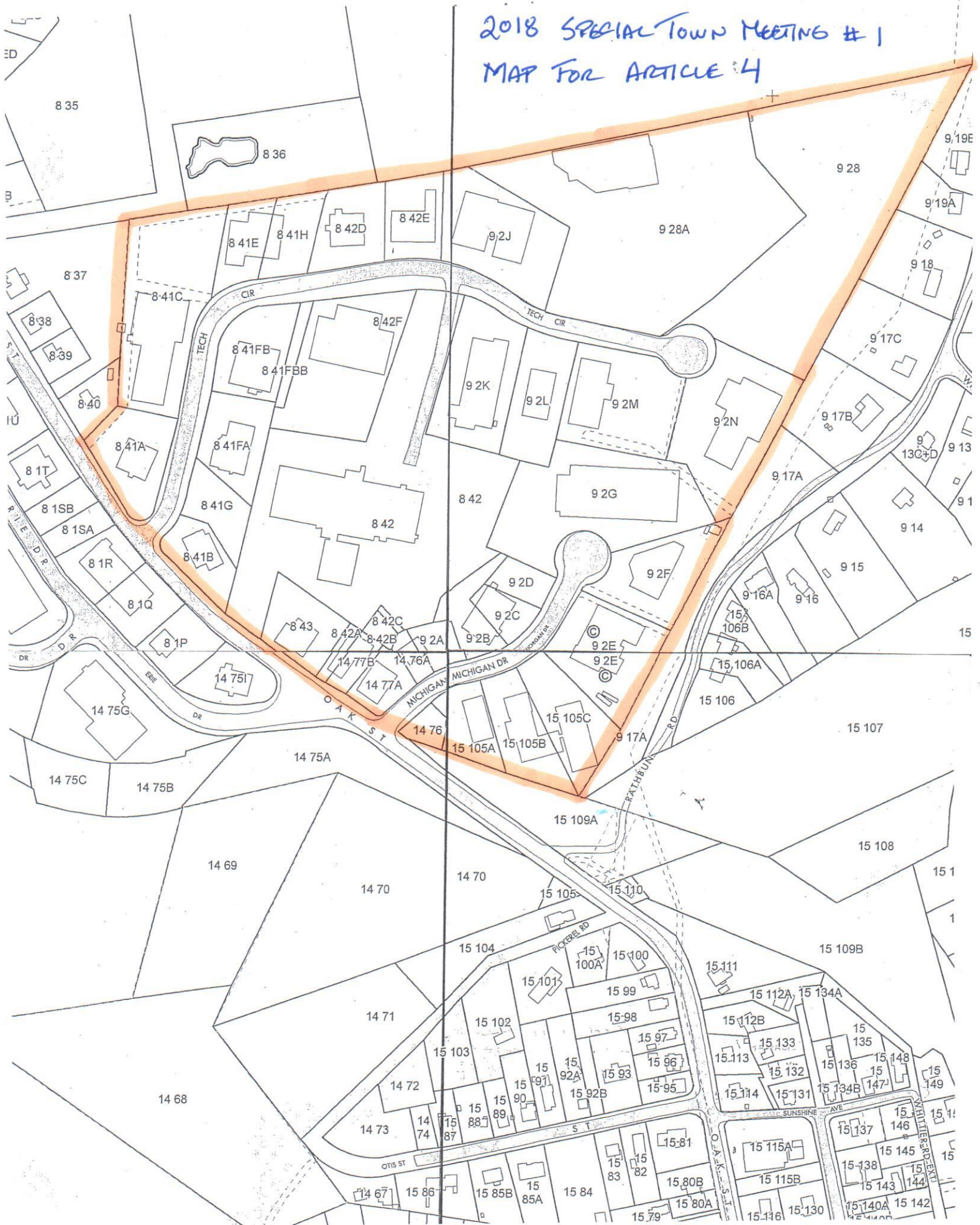
Lexington:

- Manufacturing (CM): yes

Newton:

- Manufacturing (M): yes
- Limited Manufacturing (LM): yes

2018 SPECIAL TOWN MEETING #1
MAP FOR ARTICLE 4



2018 Special Town Meeting # 1
ARTICLE 4

Motion # 3:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding an asterisk after the “O” in the Industrial One (INI) Column.

So then the applicable chart Section III – A.2 – USE REGULATIONS SCHEDULE, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of Section III – A.2 – USE REGULATIONS SCHEDULE , RECREATIONAL USES after Use 17:

“****Note:** Use # 12 above shall be allowed by special permit in the East Natick Industrial Park on the east side of Oak Street and being an area including ONLY the following lots (but including any further subdivision of these parcels) as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”

2018 Special Town Meeting # 1
ARTICLE 4

Motion # 3:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding an asterisk after the “O” in the Industrial One (INI) Column.

So then the applicable chart Section III – A.2 – USE REGULATIONS SCHEDULE, Recreational Use 12 now reads:

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RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of Section III – A.2 – USE REGULATIONS SCHEDULE , RECREATIONAL USES after Use 17:

***Note: Use # 12 above shall be allowed by special permit in the East Natick Industrial Park on the east side of Oak Street and, being an area including ONLY the following lots (and including any further subdivision of these lots) as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”