



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

PLACE OF MEETING

School Committee Meeting Room

February 15, 2018 at 7:00 PM
3rd Floor, Town Hall Building 13
East Central St Natick, MA 01760

MEETING AGENDA

1. **Public Concerns/ Comments**
2. **Meeting Minutes**
 - a. Meeting Minutes for February 1, 6 & 8, 2018 Review & Approve
3. **Old Business**
 - a. Finance Committee & Sub Committee Scheduling
4. **2018 Spring Annual Town Meeting Warrant Articles - Public Hearing**
 - a. Article 3 - Elected Officials Salary
 - b. Article 18 - Amend By-Law Article 24 Regarding Procedure for Appointment of Police Chief - will be rescheduled
 - c. Article 4 - Personnel Board Personnel Classification & Pay Plan - will be rescheduled
 - d. Article 19 - Amend By-Law Article 24 Regarding Procedure for Appointment of Fire Chief - will be rescheduled
 - e. Article 20 - Amend By-Law Article 51: Alarm Systems
 - f. Article 21 - Amend By-Law Article 72: Building Regulations
 - g. Article 22 - Amend By-Law Article 76: Regulations Regarding Historical Significant Buildings, etc.
5. **Adjourn**

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

SUBMITTED BY

ITEM TITLE: Meeting Minutes for February 1, 6 & 8, 2018 Review & Approve
ITEM SUMMARY:

ITEM TITLE: Finance Committee & Sub Committee Scheduling
ITEM SUMMARY:

ITEM TITLE: Article 3 - Elected Officials Salary

ITEM SUMMARY:

ATTACHMENTS:

| Description | Upload Date | Type |
|--|--------------------|--------------|
| Questionnaire Responses and MOTION_Elected Officials Salary | 2/14/2018 | Exhibit |
| Town of Natick Salary Grade 4 comps 2016 data | 2/15/2018 | Presentation |
| Town Clerk Salary survey_comp communities 2016 data | 2/15/2018 | Exhibit |

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

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

| | |
|---|--------------------------------|
| Article # 3 | Date Form Completed: 2/14/2018 |
| Article Title: Elected Officials Salary | |
| Sponsor Name: Town Administrator/B. Chenard | Email: chenard@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. Note: Failing to provide a complete motion will likely require a rescheduling of the hearing to a later date. |
| Response | Move that the Town vote to fix the salary and compensation of the following elected officer of the Town for the Fiscal Year July 1, 2018 through June 30, 2019 as provided by section 108 of Chapter 41 of the Massachusetts General Laws: Town Clerk: \$94,100.00 <i>** Note that this proposal reflects a 2.5% salary increase from \$91,800 and rounded to the next whole \$000.</i> |
| 2 | At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion? |
| Response | To establish the Town Clerk's salary for FY 2019. |
| 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 | The requirement that salaries of elected officials be established by Town Meeting has existed for many years, likely for decades. This Article has been included on Town Meeting warrants since the state legislature adopted MGL Chapter 41, section 108. |
| 4 | Why is it required for the Town of Natick and for the Town Agency sponsor(s)? |
| Response | A vote of Town Meeting is required to establish the Town Clerk's salary. |
| 5 | Does this article require funding, how much, from what source of funds and under whose |

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

| | |
|----------|--|
| | authority will the appropriation be managed and spent? |
| Response | This Article itself does not require funding, but establishes the salary amount that must be funded through the Town Clerk's operating budget. |
| 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 | NO |
| 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 | It is my understanding that failure to take action on this Warrant Article would result in no salary being established for or available to the Town Clerk. Given that each annual vote of Town Meeting stipulates the fiscal year in which the specified salary shall be paid, said salary cannot be paid beyond that fiscal year. |

Grade 4 Positions**FY 16 Salary**

| | | |
|----------------------------------|----|------------|
| Buidling Commissioner | \$ | 94,554.00 |
| Director of Assessing | \$ | 105,000.00 |
| Director of Council on Aging | \$ | 73,440.00 |
| Director of Public Health | \$ | 105,000.00 |
| Director of Recreation and Parks | \$ | 82,272.65 |
| Morse Library Director | \$ | 102,022.18 |
| Treasurer/Collector | \$ | 105,000.00 |
| Town Clerk | \$ | 85,000.00 |

ITEM TITLE: Article 18 - Amend By-Law Article 24 Regarding Procedure for
Appointment of Police Chief - will be rescheduled

ITEM SUMMARY:

ITEM TITLE: Article 4 - Personnel Board Personnel Classification & Pay Plan - will be rescheduled

ITEM SUMMARY:

ITEM TITLE: Article 19 - Amend By-Law Article 24 Regarding Procedure for
Appointment of Fire Chief - will be rescheduled

ITEM SUMMARY:

ITEM TITLE: Article 20 - Amend By-Law Article 51: Alarm Systems

ITEM SUMMARY:

ATTACHMENTS:

| Description | Upload Date | Type |
|--|--------------------|-------------|
| Article 20: As-Is, Redline and To-Be Versions of By-Law. with Motion | 2/14/2018 | Exhibit |

WARRANT ARTICLE 20
Amend By-Law Article 51:Alarm Systems
(Charter & By-law Review Committee)

To see whether the Town will vote to amend Article 51 of the Town of Natick By-laws as follows:

1. In Section 1, paragraph b:

- a. Add the words “or vehicle” after the words “whose premises” in the first sentence; and
- b. Delete the words “except for alarm systems on motor vehicles” at the end of the first sentence; and
- c. Add the words “or vehicle” after the words “the premises” in the second sentence; and
- d. Add the words “or vehicle” after the words “the premises” in the third sentence”;

so that Section 1, paragraph b shall read:

“The term "Alarm User" or "User" means any person on whose premises or vehicle an alarm system is maintained within the town. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises or vehicle in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises or vehicle, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.”; and

2. Replace Section 1, paragraph g with the word “deleted”; and

3. In Section 6, paragraph a:

- a. Add the words “, with the exception of motor vehicle alarm users,” after the first words “Every alarm user” in the first sentence; and
- b. Add the word “, addresses,” after the word “names” and before the words “telephone numbers” in the first sentence;

so that Section 6, paragraph a shall read:

“Every alarm user, with the exception of motor vehicle alarm users, shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names, addresses, and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are

authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.”; and

4. Replace Section 6, paragraph b with the word “deleted”; and

5. In Section 7, delete the first and last sentences, so that Section 7 shall read:

“Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department.”;

or otherwise act thereon.

ARTICLE 51

ALARM SYSTEMS

Section 1 Definitions

For the purpose of this by-law the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which connects directly into a power source, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond; motor vehicle alarms are included. Fire alarm systems and alarm systems, which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law.
- b. The term "Alarm User" or "User" means any person on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.
- c. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- d. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- e. The word "Town" means Town of Natick.
- f. The term "Communications Console" means the instrumentation on alarms console at the receiving terminal of a signal line which, through both visual and audible

signals, indicates an activation of an alarm system at a particular location, or which indicates signal line trouble.

- g. The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Natick Police Department Communications Center.
- h. The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department, when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, malfunction of telephone transmission lines and similar conditions.
- i. The term "Interconnect" means to connect an alarm system to a communication cable, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the communication cable to transmit an emergency message upon the activation of the alarm system.
- j. The term "Police Chief" means the Chief of Police of the Town of Natick Police Department, or any authorized agent thereof.
- k. The term "Police" or "Police Department" means the Town of Natick Police Department, or any authorized agent thereof.
- l. The term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.
- m. The term "Selectmen" means the Natick Board of Selectmen.

Section 2 Administrative Rules

The Police Chief may promulgate such rules as may be necessary for implementation of this by-law.

Section 3 Automatic Dialing Devices - Interconnection to Natick Police Department

- a. *Deleted.*
- b. No automatic dialing devices shall be interconnected to any telephone numbers at the police department.

Section 4 Automatic Dialing Devices - Intermediary Services

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- a. a central station;
- b. an answering service; or
- c. any privately-owned or privately operated facility or terminal.

Section 5 – deleted

Section 6 Control and Curtailment of Signals Emitted by Alarm Systems

- a. Every alarm user shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.
- b. All alarm systems directly connected to the Police Station shall be equipped with a test device which will give a ten-second delay or longer prior to the alarm system activation in order to warn the alarm user of an open alarm circuit.
- c. Any alarm system that is heard audibly in a residential neighborhood in excess of five (5) times in any seven (7) day period, and any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort, or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such an alarm system, the Police Chief shall endeavor to contact the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to record the names and addresses of all complaints and the time each complaint was received.

In the event that the Police Chief is unable to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this Section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to take any reasonable action necessary to abate the nuisance.

If entry upon the property in which the alarm system is located is made in accordance with this Section, the person so entering upon such property (1) shall not conduct, engage in, or undertake

any search, seizure, inspection or investigation while he is upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home, building or vehicle; and (3) shall leave the property immediately after the audible system has ceased. After an entry upon property has been made in accordance with this Section, the Police Chief shall have the property secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this Section may be assessed to the alarm user, said assessment not to exceed \$50.00.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Selectmen and may present evidence showing that the signal emitted by this alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or the requirements of this section were not fulfilled. The Selectmen shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.

Section 7 Testing of Equipment

No alarm system designed to transmit emergency messages directly to the police department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department. An unauthorized test constitutes a false alarm.

Section 8 Emergency Notification List

Every business establishment within the Town whether alarmed or not shall provide written notice to the Police Chief listing the names, addresses, and telephone numbers of at least two persons who may be reached at any time, day or night and the two are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.

Section 9 False Alarms

a. When emergency messages are received by the police department that evidence false alarms, the Police Chief shall take action as may be appropriate under paragraphs (b), (c), (d) and (e) of this section and, when required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.

b. After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other reasonable basis requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report

within fifteen (15) days or within any such extended period, the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the receipt of the Police Chief's order.

c. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

d. In the event that the police department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

e. Any user of an alarm system which transmits false alarms shall be assessed a penalty of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment the Police Chief may order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

f. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Selectmen. Notice of an appeal shall be filed with the Town Clerk within ten (10) days of the date of the order of discontinuance. Thereafter the Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Selectmen may affirm, vacate or modify the order of discontinuance.

Section 10 Penalties

The following acts and omissions shall constitute violations of this by-law punishable by fines of up to \$100.00:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any telephone numbers at the police department within six (6) months after effective date of this by-law;
- c. interconnection of an automatic dialing device to any telephone numbers at the police department after the effective date of this by-law;
- d. failure to pay two (2) or more consecutive fines assessed under this by-law within sixty (60) days from the date of assessment;

- e. failure to comply with the requirements of Section 6;
- f. failure to comply with the requirements of Section 8.

Each day during which the aforesaid violations continue shall constitute a separate offense.

Redlined Version of Changes Proposed at 2018 Spring TM

ARTICLE 51

ALARM SYSTEMS

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- g. ~~The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Natick Police Department Communications Center.~~
- h. The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department, when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, malfunction of telephone transmission lines and similar conditions.
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- a. *Deleted.*

- b. No automatic dialing devices shall be interconnected to any telephone numbers at the police department.

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b. After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other

reasonable basis requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the receipt of the Police Chief's order.

c. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

d. In the event that the police department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

e. Any user of an alarm system which transmits false alarms shall be assessed a penalty of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment the Police Chief may order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

f. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Selectmen. Notice of an appeal shall be filed with the Town Clerk within ten (10) days of the date of the order of discontinuance. Thereafter the Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Selectmen may affirm, vacate or modify the order of discontinuance.

Section 10 Penalties

The following acts and omissions shall constitute violations of this by-law punishable by fines of up to \$100.00:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any telephone numbers at the police department within six (6) months after effective date of this by-law;
- c. interconnection of an automatic dialing device to any telephone numbers at the police department after the effective date of this by-law;

- d. failure to pay two (2) or more consecutive fines assessed under this by-law within sixty (60) days from the date of assessment;
- e. failure to comply with the requirements of Section 6;
- f. failure to comply with the requirements of Section 8.

Each day during which the aforesaid violations continue shall constitute a separate offense.

Clean Version of Changes Proposed at 2018 Spring TM

ARTICLE 51

ALARM SYSTEMS

Section 1 Definitions

For the purpose of this by-law the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which connects directly into a power source, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond; motor vehicle alarms are included. Fire alarm systems and alarm systems, which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law.
- b. The term "Alarm User" or "User" means any person on whose premises or vehicle an alarm system is maintained within the town. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises or vehicle in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises or vehicle, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.
- c. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- d. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- e. The word "Town" means Town of Natick.
- f. The term "Communications Console" means the instrumentation on alarms console at the receiving terminal of a signal line which, through both visual and audible

signals, indicates an activation of an alarm system at a particular location, or which indicates signal line trouble.

- h. The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department, when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, malfunction of telephone transmission lines and similar conditions.
- i. The term "Interconnect" means to connect an alarm system to a communication cable, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the communication cable to transmit an emergency message upon the activation of the alarm system.
- j. The term "Police Chief" means the Chief of Police of the Town of Natick Police Department, or any authorized agent thereof.
- k. The term "Police" or "Police Department" means the Town of Natick Police Department, or any authorized agent thereof.
- l. The term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.
- m. The term "Selectmen" means the Natick Board of Selectmen.

Section 2 Administrative Rules

The Police Chief may promulgate such rules as may be necessary for implementation of this by-law.

Section 3 Automatic Dialing Devices - Interconnection to Natick Police Department

- a. *Deleted.*
- b. No automatic dialing devices shall be interconnected to any telephone numbers at the police department.

Section 4 Automatic Dialing Devices - Intermediary Services

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- a. a central station;
- b. an answering service; or
- c. any privately-owned or privately operated facility or terminal.

Section 5 – deleted

Section 6 Control and Curtailment of Signals Emitted by Alarm Systems

- a. Every alarm user, with the exception of motor vehicle alarm users, shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names, addresses, and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.
- c. Any alarm system that is heard audibly in a residential neighborhood in excess of five (5) times in any seven (7) day period, and any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort, or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such an alarm system, the Police Chief shall endeavor to contact the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to record the names and addresses of all complaints and the time each complaint was received.

In the event that the Police Chief is unable to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this Section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to take any reasonable action necessary to abate the nuisance.

If entry upon the property in which the alarm system is located is made in accordance with this Section, the person so entering upon such property (1) shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while he is upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home, building or vehicle; and (3) shall leave the property immediately after the audible system has ceased. After an entry upon property has been made in accordance with this Section, the Police Chief shall have the property

secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this Section may be assessed to the alarm user, said assessment not to exceed \$50.00.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Selectmen and may present evidence showing that the signal emitted by this alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or the requirements of this section were not fulfilled. The Selectmen shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.

Section 7 Testing of Equipment

Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department.

Section 8 Emergency Notification List

Every business establishment within the Town whether alarmed or not shall provide written notice to the Police Chief listing the names, addresses, and telephone numbers of at least two persons who may be reached at any time, day or night and the two are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.

Section 9 False Alarms

a. When emergency messages are received by the police department that evidence false alarms, the Police Chief shall take action as may be appropriate under paragraphs (b), (c), (d) and (e) of this section and, when required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.

b. After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other reasonable basis requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the receipt of the Police Chief's order.

c. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the

report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

d. In the event that the police department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

e. Any user of an alarm system which transmits false alarms shall be assessed a penalty of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment the Police Chief may order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

f. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Selectmen. Notice of an appeal shall be filed with the Town Clerk within ten (10) days of the date of the order of discontinuance. Thereafter the Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Selectmen may affirm, vacate or modify the order of discontinuance.

Section 10 Penalties

The following acts and omissions shall constitute violations of this by-law punishable by fines of up to \$100.00:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any telephone numbers at the police department within six (6) months after effective date of this by-law;
- c. interconnection of an automatic dialing device to any telephone numbers at the police department after the effective date of this by-law;
- d. failure to pay two (2) or more consecutive fines assessed under this by-law within sixty (60) days from the date of assessment;
- e. failure to comply with the requirements of Section 6;
- f. failure to comply with the requirements of Section 8.

Each day during which the aforesaid violations continue shall constitute a separate offense.

Amend By-law Article 51: Alarm Systems
Motion

Move to amend Article 51 of the Town of Natick By-laws as follows:

1. In Section 1, paragraph b:
 - a. Add the words “or vehicle” after the words “whose premises” in the first sentence; and
 - b. Delete the words “except for alarm systems on motor vehicles” at the end of the first sentence; and
 - c. Add the words “or vehicle” after the words “the premises” in the second sentence; and
 - d. Add the words “or vehicle” after the words “the premises” in the third sentence”; and
2. Replace Section 1, paragraph g with the word “deleted”; and
3. In Section 6, paragraph a:
 - a. Add the words “, with the exception of motor vehicle alarm users,” after the first words “Every alarm user” in the first sentence; and
 - b. Add the word “, addresses,” after the word “names” and before the words “telephone numbers” in the first sentence; and
4. Replace Section 6, paragraph b with the word “deleted”; and
5. In Section 7, delete the first and last sentences.

ITEM TITLE: Article 21 - Amend By-Law Article 72: Building Regulations

ITEM SUMMARY:

ATTACHMENTS:

| Description | Upload Date | Type |
|--|--------------------|-------------|
| Article 21: As-Is, Redline and To-Be Versions of By-Law. with Motion | 2/14/2018 | Exhibit |

ARTICLE 21
Amend By-law Article 72: Building Regulations
(Charter & By-law Review Committee)

To see whether the Town will vote to amend Article 72 of the Town of Natick By-laws as follows:

1. Change the title of Section 5 to “Height Requirements at Intersections, including Driveways”; and
2. In the first paragraph of Section 5, replace the word “streets” with the words “public ways”; and
3. Add the sentence “No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.” as the second paragraph of Section 5;

so that Section 5 shall read:

“Section 5 Height Requirements at Intersections, including Driveways

In any lot which abuts an intersection of two or more public ways, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.”;

or otherwise act thereon.

By-law Article 72 current (prior to proposed changes)

ARTICLE 72

BUILDING REGULATIONS

Section 1 Building Permits, Orders, and Certificates

Each permit, order and certificate issued by the Building Inspector shall bear a serial number and date, identical on all copies, and shall definitely locate the premises referred to by street and number or otherwise.

Section 2 Identification of Structures by Street Number

At the time of issuing a certificate of occupancy for a building or structure, whether same be new, added to or altered, or for a change of occupancy if no street number has been assigned thereto, the Building Inspector shall, wherever it is practicable, assign a number or numbers in accordance with the existing numbering system. The Building Inspector shall also assign and order street numbers in accordance with the said system to be affixed or displayed on any buildings not already so numbered on any street. Such numbers shall be affixed or displayed in such a manner as to be readily visible from the street. Owners shall be allowed ten (10) days after the giving of written notice by the Building Inspector to comply with such order.

The street number of an existing building or structure may be changed only by vote of the Board of Selectmen, after a Public Hearing by the Board of Selectmen for which fourteen (14) days written notice has been given to the owner of each building or structure for which the number is proposed to be changed and after receipt by the Board of Selectmen of a written recommendation from the Safety Committee of the Town.

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectmen and the Building Inspector after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

Section 4 Fences

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to any abutter's side of the fence for maintenance and repairs.

Unless written permission is secured from the abutters to erect fence on property lines, fence must be erected at least one (1) foot in from boundary lines.

Section 5 Height Requirements at Intersection

In any lot which abuts an intersection of two or more streets, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

Section 6 Signs in Public Ways or on Public Property

No person shall place any unauthorized or non-conforming sign within the right-of-way of any street or on public property. The Building Commissioner is authorized to take down and remove such an unauthorized or non-conforming sign. Such sign shall be retained by the Building Commissioner for a period of thirty days after its removal. The owner of such sign may reclaim it within thirty days of its removal by submitting satisfactory proof of ownership to the Building Commissioner. If such sign is not claimed within such thirty day period, the Building Commissioner may cause such sign to be destroyed without incurring any liability to the Town or any of its Agents.

Redlined Version of Changes Proposed at 2018 Spring TM

ARTICLE 72

BUILDING REGULATIONS

Section 1 Building Permits, Orders, and Certificates

Each permit, order and certificate issued by the Building Inspector shall bear a serial number and date, identical on all copies, and shall definitely locate the premises referred to by street and number or otherwise.

Section 2 Identification of Structures by Street Number

At the time of issuing a certificate of occupancy for a building or structure, whether same be new, added to or altered, or for a change of occupancy if no street number has been assigned thereto, the Building Inspector shall, wherever it is practicable, assign a number or numbers in accordance with the existing numbering system. The Building Inspector shall also assign and order street numbers in accordance with the said system to be affixed or displayed on any buildings not already so numbered on any street. Such numbers shall be affixed or displayed in such a manner as to be readily visible from the street. Owners shall be allowed ten (10) days after the giving of written notice by the Building Inspector to comply with such order.

The street number of an existing building or structure may be changed only by vote of the Board of Selectmen, after a Public Hearing by the Board of Selectmen for which fourteen (14) days written notice has been given to the owner of each building or structure for which the number is proposed to be changed and after receipt by the Board of Selectmen of a written recommendation from the Safety Committee of the Town.

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectmen and the Building Inspector after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

Section 4 Fences

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to any abutter's side of the fence for maintenance and repairs.

Unless written permission is secured from the abutters to erect fence on property lines, fence must be erected at least one (1) foot in from boundary lines.

Section 5 Height Requirements at Intersections, including Driveways

In any lot which abuts an intersection of two or more streetspublic ways, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.

Section 6 Signs in Public Ways or on Public Property

No person shall place any unauthorized or non-conforming sign within the right-of-way of any street or on public property. The Building Commissioner is authorized to take down and remove such an unauthorized or non-conforming sign. Such sign shall be retained by the Building Commissioner for a period of thirty days after its removal. The owner of such sign may reclaim it within thirty days of its removal by submitting satisfactory proof of ownership to the Building Commissioner. If such sign is not claimed within such thirty day period, the Building Commissioner may cause such sign to be destroyed without incurring any liability to the Town or any of its Agents.

Clean Version of Changes Proposed at 2018 Spring TM

ARTICLE 72

BUILDING REGULATIONS

Section 1 Building Permits, Orders, and Certificates

Each permit, order and certificate issued by the Building Inspector shall bear a serial number and date, identical on all copies, and shall definitely locate the premises referred to by street and number or otherwise.

Section 2 Identification of Structures by Street Number

At the time of issuing a certificate of occupancy for a building or structure, whether same be new, added to or altered, or for a change of occupancy if no street number has been assigned thereto, the Building Inspector shall, wherever it is practicable, assign a number or numbers in accordance with the existing numbering system. The Building Inspector shall also assign and order street numbers in accordance with the said system to be affixed or displayed on any buildings not already so numbered on any street. Such numbers shall be affixed or displayed in such a manner as to be readily visible from the street. Owners shall be allowed ten (10) days after the giving of written notice by the Building Inspector to comply with such order.

The street number of an existing building or structure may be changed only by vote of the Board of Selectmen, after a Public Hearing by the Board of Selectmen for which fourteen (14) days written notice has been given to the owner of each building or structure for which the number is proposed to be changed and after receipt by the Board of Selectmen of a written recommendation from the Safety Committee of the Town.

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectmen and the Building Inspector after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

Section 4 Fences

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to any abutter's side of the fence for maintenance and repairs.

Unless written permission is secured from the abutters to erect fence on property lines, fence must be erected at least one (1) foot in from boundary lines.

Section 5 Height Requirements at Intersections, including Driveways

In any lot which abuts an intersection of two or more public ways, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection.

Section 6 Signs in Public Ways or on Public Property

No person shall place any unauthorized or non-conforming sign within the right-of-way of any street or on public property. The Building Commissioner is authorized to take down and remove such an unauthorized or non-conforming sign. Such sign shall be retained by the Building Commissioner for a period of thirty days after its removal. The owner of such sign may reclaim it within thirty days of its removal by submitting satisfactory proof of ownership to the Building Commissioner. If such sign is not claimed within such thirty day period, the Building Commissioner may cause such sign to be destroyed without incurring any liability to the Town or any of its Agents.

Amend By-law Article 72: Building Regulations
Motion

Move to amend Article 72 of the Town of Natick By-laws by:

1. Change the title of Section 5 to "Height Requirements at Intersections, including Driveways";
and
2. In the first paragraph of Section 5, replace the word "streets" with the words "public ways";
and
3. Add the sentence "No fence, shrubbery or other object located within fifteen (15) feet of the intersection of a public way and a driveway shall be maintained more than three (3) feet above the street grade measured at said intersection." as the second paragraph of Section 5.

ITEM TITLE: Article 22 - Amend By-Law Article 76: Regulations Regarding Historical Significant Buildings, etc.

ITEM SUMMARY:

ATTACHMENTS:

| Description | Upload Date | Type |
|--|--------------------|-------------|
| Article 22: As-Is, Redline and To-Be Versions of By-Law. with Motion | 2/14/2018 | Exhibit |

ARTICLE 22

Amend By-law Article 76: Regulations regarding Historically Significant Buildings, etc. (Charter & By-law Review Committee)

To see whether the Town will vote to amend Article 76 of the Town of Natick By-laws as follows:

1. In Section 2, sub-section F:

- a. After the words “which is” in the first sentence, delete the word “(1)” and insert the words “in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is”; and
- b. Add the word “it” after the word “(2) in the first sentence;

so that Section 2, sub-section F shall read:

“Historically Significant Building or Structure: Any regulated building or structure which is in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) it is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.”; and

2. Add a new sub-section H to Section 2:

“Preferably Preserved: Any Historically Significant Building or Structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished, altered or relocated. A Preferably Preserved Building or Structure is subject to the six-month demolition delay period of this by-law.”; and

3. In Section 3, sub-section B, delete the sentence “Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.”;

or otherwise act thereon.

By-law Article 76 current (prior to proposed changes)

ARTICLE 76

**REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF
HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES**

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the Building Commissioner as required by the State Building Code for the demolition, alteration or relocation of a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is (1) associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- G. Inspector: The Natick Building Commissioner.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of Historic and Archaeological Assets of the Commonwealth. Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition, alteration or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish, alter or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of said application to the Commission and the Community Development Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.
- B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

- C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.
- D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.
- E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section II F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.
- E. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:
 - 1. A plan showing the location of the building or structure;
 - 2. Photographs of all street facade elevations;
 - 3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
 - 4. The reasons for the proposed demolition, alteration or relocation and data supporting said reason;
 - 5. A brief description of the proposed reuse of the premises.
- G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

- H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.
- H. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:
1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
 2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

- A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.
- B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

ARTICLE 76

REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the Building Commissioner as required by the State Building Code for the demolition, alteration or relocation of a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is (4)in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) it is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- G. Inspector: The Natick Building Commissioner.

H. Preferably Preserved: Any Historically Significant Building or Structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished, altered or relocated. A Preferably Preserved Building or Structure is subject to the six-month demolition delay period of this by-law.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of Historic and Archaeological Assets of the Commonwealth. ~~Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.~~
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition, alteration or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish, alter or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of said application to the Commission and the Community Development Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.
- B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission

determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

- C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.
- D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.
- E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section 2 F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or Structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.
- F. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:
 - 1. A plan showing the location of the building or structure;
 - 2. Photographs of all street facade elevations;
 - 3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
 - 4. The reasons for the proposed demolition, alteration or relocation and data supporting said reason;
 - 5. A brief description of the proposed reuse of the premises.
- G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the

Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

- H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.
- I. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:
 - 1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
 - 2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

- A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.
- B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

Clean Version of Changes Proposed at 2018 Spring TM

ARTICLE 76

REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the Building Commissioner as required by the State Building Code for the demolition, alteration or relocation of a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) it is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.

G. Inspector: The Natick Building Commissioner.

H. Preferably Preserved: Any Historically Significant Building or Structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished, altered or relocated. A Preferably Preserved Building or Structure is subject to the six-month demolition delay period of this by-law.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of Historic and Archaeological Assets of the Commonwealth.
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition, alteration or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish, alter or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of said application to the Commission and the Community Development Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.
- B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission

determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

- C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.
- D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.
- E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section 2 F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or Structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.
- F. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:
 - 1. A plan showing the location of the building or structure;
 - 2. Photographs of all street facade elevations;
 - 3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
 - 4. The reasons for the proposed demolition, alteration or relocation and data supporting said reason;
 - 5. A brief description of the proposed reuse of the premises.
- G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the

Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

- H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.
- I. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:
 - 1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
 - 2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

- A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.
- B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

Amend By-law Article 76: Regulations regarding Historically Significant Buildings, etc.
Motion

Move to amend Article 76 of the Town of Natick By-laws by:

1. In Section 2, sub-section F:
 - a. After the words “which is” in the first sentence, delete the word “(1)” and insert the words “in whole or in part fifty (50) years old or older and which has been determined by the Commission or its designee to be significant based on any of the following: (1) it is”; and
 - b. Add the word “it” after the word “(2) in the first sentence;; and
2. Add a new sub-section H to Section 2:

“Preferably Preserved: Any Historically Significant Building or Structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished, altered or relocated. A Preferably Preserved Building or Structure is subject to the six-month demolition delay period of this by-law.”; and
3. In Section 3, sub-section B, delete the sentence “Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.”.