



TOWN OF NATICK

Meeting Notice

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

Natick Finance Committee

PLACE OF MEETING

School Committee Meeting Room -
3rd Flr., Town Hall, 13 E. Central
St., Natick, MA

DAY, DATE AND TIME

September 18, 2018 at 7:00 PM

MEETING AGENDA

1. Public Concerns/ Comments

- a. Resident and Taxpayer Concerns and Comments

2. Meeting Minutes

- a. Review & Approve the August 30, September 6 and September 11, 2018 meeting minutes

3. Old Business

- a. Finance Committee Scheduling & Sub-Committees

4. 2018 Fall Town Meeting Warrant Articles - Public Hearing

- a. Article 17 - Change Authority for Acquisition of 22 Pleasant Street Among Other Items
- b. Article 27 - Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG
- c. Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit
- d. Article 30 - Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan
- e. Article 40 - Amend the Town of Natick By-Laws: Create New Committee - postponed to Sept 25
- f. Article 34- Amend Historic Preservation Zoning By-Law

5. 2018 Special Town Meeting #2 Warrant Articles - Public Hearing

- a. Update and discussion on the Point of Order regarding the Special Town Meeting #2 public notice process

6. Adjourn

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

SUBMITTED BY

ITEM TITLE: Resident and Taxpayer Concerns and Comments

ITEM SUMMARY: *a. A lime not to exceed 4-5 minutes per resident/taxpayer and/or 15 minutes in total time for all speakers, to allow for brief resident/taxpayer comments on topics within the scope of the Committee charge but not on the current agenda*
b. There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair

ATTACHMENTS:

Description	Upload Date	Type
Policy & Procedure for Public Comments during a Finance Committee Meeting	9/15/2018	Exhibit

Finance Committee Policy & Procedures for Public Comments:

Public Comments at the start of the meeting:

- *A time not to exceed 4-5 minutes per resident/taxpayer and/or 15 minutes in total time for all resident/taxpayer speakers, to allow for brief resident/taxpayer comments on topics within the scope of the Committee charge but not on the current agenda*
- *There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*

Public Comments on a specific agenda item:

- Following the sponsor presentation, the Finance Committee enters into discussion with questions and answers from the sponsor and others as determined by the Chair. This is not a time that residents and taxpayers ask questions or offer comments.
- Upon the completion of the discussion/Q&A period, as determined by the Chair, the committee moves in to citizen comments. The same policy as stated above is used.
 - *A time not to exceed 4-5 minutes per resident/taxpayer to allow for brief resident/taxpayer comments on topics within the scope of the agenda item before the Committee at that point in time*
 - *There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*
 - *Any question is to be directed to the Chair and only the Chair will decide whether to allow the question or just ask that it be recorded in the minutes.*

Procedural guidance for public comments:

- Once being recognized by the Chair please go to the podium, stand close to the microphone and speak loudly
- You must introduce yourself by stating your full name and your address in Natick
- You may not use the names of any individual. You should refer to the person's title, or use the expression "a previous speaker...)
- The committee is interested in hearing your comments of a substantive and material nature in regard to the subject matter before the committee. The Chair will politely encourage you to stay on topic and to quickly make the point
- If you're running out of time, the Chair will advise you that you have 30 seconds left at which time you will need to wrap things up.

ITEM TITLE: Review & Approve the August 30, September 6 and September 11, 2018 meeting minutes

ITEM SUMMARY:

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

ATTACHMENTS:

Description	Upload Date	Type
FinCom Schedule for Sept 4 to October 16	9/4/2018	Exhibit

Finance Committee - Public Hearing Schedule
2018 Fall Town Meeting and Special Town Meeting #2
As of Septmeber 4, 2018

Name	Article #	Article Sponsor	Current Hearing Date	Initial Hearing Date	Final Recommendation	Appropriation \$	Proposed Funding Source
Stabilization Fund	2	Town Administrator	8/30/2018		Favorable Action	\$250,000.00	Free Cash
Operational/Rainy Day Stabilization Fund	3	Town Administrator	8/30/2018		Favorable Action	\$250,000.00	Free Cash
Capital Stabilization Fund	4	Town Administrator	8/30/2018		Favorable Action	\$1,409,678.00	Free Cash
Appropriate Funds for the Family of Michael McDaniel Jr.	6	Town Administrator	8/30/2018		Favorable Action	\$36,622.20	Free Cash
West Natick Fire Station Appropriation of Funding	15	Board of Selectmen	8/30/2018		Favorable Action	\$15,600,000.00	Debt Exclusion Borrowing
Amend Agreement with the South Middlesex Regional Vocational School District	25	Board of Selectmen	8/30/2018		No Action	--	--
Capital Equipment (Schools)	19	Superintendent of Schools	9/6/2018				
Legal Settlement	20	Superintendent of Schools	9/6/2018				
Snow Removal ByLaw	41	Paul Greismer, Josh Ostroff, et al	9/6/2018			--	--
Appropriate Funds for the Design and Development of Route 27 North Main Street	18	Board of Selectmen	9/11/2018				
Supplement Prior Town Meeting Vote Authorizing Acquisition and Preservation of the Sawin House and Adjacent Property at 79 South Street, Assessors Map 77 Lot 7	26	Board of Selectmen	9/11/2018				
Amend Article 2 of the Town of Natick Home Rule Charter	29	Board of Selectmen	9/11/2018			--	--
Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street	31	Board of Selectmen	9/11/2018				
Establish Study Committee: 1.5% Test of Land Use	33	Julian Munnich, et al	9/11/2018			--	--
Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23	38	Julian Munnich, et al	9/11/2018			--	--
Amend Natick Town Charter: Natick By-laws, Natick Zoning By-laws: Appointment and constitution of zoning board of appeals, division and distribution of powers, and assignment of counsel.	39	Julian Munnich, et al	9/11/2018			--	--
Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds	5	Town Administrator	9/13/2018	8/30/2018			
Transfer of Unexpended Bond Proceeds	7	Town Administrator	9/13/2018	8/30/2018			
Rescind Authorized, Unissued Debt	11	Town Administrator	9/13/2018	8/30/2018			
Unpaid Bills	12	Town Administrator	9/13/2018	8/30/2018			
West Natick Fire Station Land Disposition	16	Board of Selectmen	9/13/2018	8/30/2018			
Excise Tax on Retail Sales of Marijuana for Adult Use	21	Board of Selectmen	9/13/2018			--	--
Marijuana Establishments Zoning Bylaw Amendment	22	Planning Board	9/13/2018			--	--
Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws	23	Town Administrator	9/13/2018			--	--
Amend Town of Natick By-law Article 10: Board of Selectmen	24	Board of Selectmen	9/13/2018			--	--
Voting Requires Being Legal Resident of Massachusetts and this Municipality	35	Tony Lista, et al	9/13/2018	9/6/2018		--	--
Change Authority for Acquisition of 22 Pleasant Street Among Other Items	17	Robert Awkward, et al	9/18/2018			--	--
Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG	27	George Richards, et al	9/18/2018			--	--
Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit	28	George Richards, et al	9/18/2018			--	--
Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan	30	David Presutti, et al	9/18/2018			--	--
Amend the Town of Natick By-Laws: Create New Committee	40	Daniel Sullivan	9/18/2018			--	--
STM #2 Recommendation Book Printed & Mailed			9/24/2018				
Capital Equipment	13	Town Administrator	9/25/2018				

Capital Improvements	14	Town Administrator	9/25/2018		
Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements	32	Planning Board	9/25/2018	--	--
Amend Historic Preservation Zoning By-Law	34	Joel Valentin, et al	9/25/2018	--	--
Amend Zoning By-Laws: Outdoor Lighting	36	Planning Board	9/25/2018	--	--
Amend Zoning By-Laws: Signage (Residential Zoning Districts)	37	Planning Board	9/25/2018	--	--
Fiscal 2019 Omnibus Budget	1	Town Administrator	9/27/2018		
Collective Bargaining	8	Board of Selectmen	9/27/2018		
Personnel Board Classification and Pay Plan	9	Town Administrator	9/27/2018	--	--
Committee Article	10	Board of Selectmen	9/27/2018	--	--
Technical Changes to Charter and By-Laws	42	Paul Greismer, et al	9/27/2018	--	--
Special Town Meeting #2			10/2/2018	--	--
STM #2 or Finance Committee Public Hearings (articles for reconsideration only)			10/4/2018	--	--
Fall Town Meeting Recommendation Book Printed & Mailed			10/5/2018		

ITEM TITLE: Article 17 - Change Authority for Acquisition of 22 Pleasant Street Among Other Items

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 17 Questionnaire Response & MOTION	9/15/2018	Exhibit

Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 17	Date Form Completed: 9/14/2018
Article Title: Change Authority for Acquisition of 22 Pleasant Street	
Sponsor Name: Robert J. Awkward, Ph.D.	Email: rjawkward@verizon.net

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	To create a committee appointed by the Moderator to negotiate for and acquire the property known as 22 Pleasant Street, alternatively known as Map 64 Parcel 44, in Natick for park and recreation purposes and/or conservation and/or passive recreation purposes. The 22 Pleasant Street Acquisition Committee will be comprised of a minimum of three (3), but no more than five (5) members who have expertise in commercial real estate, real estate law, environmental site remediation, as well as from the adjoining neighborhood and the Town at large. The Committee will coordinate its work with the Board of Selectmen, the Town Administrator and have access to the Town Counsel and any other Town agencies necessary to fulfill its mission. This Committee will subsume the authority previously granted to the Board of Selectmen in previous votes of Town Meeting under Article 35 of Spring 2015 Annual Town Meeting, Article 29 of Spring 2016 Annual Town Meeting, or any other previous warrant articles and votes of Town Meeting. Finally, the Committee shall be responsible for determining what additional sums of money the Town may raise, transfer from available funds, appropriate and authorize or raise from borrowing to accomplish the purposes of acquisition of 22 Pleasant street and/or to authorize acquisition of the fee interest in the property, a long term renewable ground lease whether rent paid over time of all upfront, in lump sum, or an exclusive perpetual easement for the use of 22 Pleasant Street, and making such recommendations to Town Meeting as appropriate.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	The intent of this motion is to execute the will of Town Meeting – twice expressed, but not completed after two years – to complete negotiations and successfully execute a Purchase & Sale Agreement in order to acquire the property at 22 Pleasant Street to ensure access to the Town baseball fields (that we do not currently possess) and to utilize the land for recreation and park space. Since the Board of Selectmen have not executed the will of Town Meeting after two years nor have they have they reported to Town Meeting why there has been no action, it appears time to change the authority to a Moderator-appointed committee to complete this action.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?

Warrant Article Questionnaire Citizen Petitions Articles

Response	The will of Town Meeting will be heard and executed reflecting the desires of the neighborhood, Natick Little League Baseball Executive Committee, the Recreation & Parks Commission, the Conservation Commission, the Open Space Advisory Committee, the Finance Committee, the Planning Board, and the Town at large as expressed through the collection of over 1,200 signatures from Town residents.
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	The Moderator-appointed committee would be comprised of three, but no more than five members who have expertise in commercial real estate, real estate law, environmental site remediation, as well as from the adjoining neighborhood and the Town. This committee would meet with the Town Administrator to receive a detailed briefing in exactly where the process is currently. Then, they would contact the owner to conclude the negotiations and execute the final Purchase & Sale Agreement (PSA). Next, they would work with the Town Administrator and Town Counsel to complete payment as per the PSA in order for the owner to begin to demolish the existing building and clean the site in accordance with the Department of Environmental Protection standards to be confirmed by an independent environmental remediation consultant to be hired by the Town. The committee would also report to the Town Meeting on its work through written communication by mail and oral presentations at Town Meeting until the process is either cleaned to state standards appropriate for recreation and park use or not in which case the deal will not be executed as per the will of Town Meeting. These reports may include proposing any subsequent actions that require Town Meeting authorization.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The approach is unorthodox, but legal under state law (MGL, Chapter 45, Section 14). The Town of Natick through its Planning Board, Recreation & Parks Commission, Open Space Advisory Committee, Conservation Commission, Finance Committee, and Town Meeting have already taken these considerations into account when they each voted twice to support the action to acquire 22 Pleasant Street.
6	Have you considered and assessed, qualified and quantified the various impacts to the community such as: <ul style="list-style-type: none"> • Town infrastructure (traffic, parking, etc.) • Neighbors (noise, traffic, etc.);

Warrant Article Questionnaire Citizen Petitions Articles

	<ul style="list-style-type: none"> Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	The intent of this motion will help to reduce unwanted street parking for baseball by creating more parking space on the property, significantly increase green space by use as park and recreation land for the Town through multiple purposes, and the neighborhood – as expressed through the South Natick Neighborhood Association – is strongly in support of this project and this specific article as noted by the signatures on the petition.
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	The critical participants would include the Board of Selectmen, the Town Administrator, the Town Counsel, and the Moderator. Several overtures have been made to the Board of Selectmen and the current and prior Town Administrator without receiving any actionable information. This is, in part, because the negotiations are covered by executive session. However, to not even be informed as to whether or not the Board is even negotiating with the owner and they view the discussions as moving in a positive, negative or not moving has not been useful. Moreover, if the Board has not been able to execute the will of Town Meeting – twice expressed – then they are duty-bound to report that to Town Meeting, explain what the challenges are to executing the will of Town Meeting, and make recommendations as to what action(s) should be undertaken in their judgment. No action and no communication are unacceptable.
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	Several overtures have been made to the Board of Selectmen during open citizens' concerns and the current and prior Town Administrator without receiving any actionable information.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	By "why is it required for the Town of Natick," the presumption is that the "it" refers to why this article needs to be considered and voted. Because after two years of apparent inaction, clearly a

Warrant Article Questionnaire Citizen Petitions Articles

	different strategy needs to be taken in order to execute the will of the Town Meeting. Simply waiting for more time and a different response is, in the words of Albert Einstein, the definition of insanity. If a different outcome is desired, a different approach is required.
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	We cannot say. We have not undertaken any research to ascertain this. Quite frankly, such action should not be required as the Board of Selectmen, as the executive body of the Town, is already been authorized to execute the will of Town Meeting, its legislative body. If the Board cannot execute the will of Town Meeting on this or any action, they are duty-bound to so report to Town Meeting. They are not authorized to "pocket veto" an action of Town Meeting with which they may not agree. If this approach is allowed, it will subvert the democratic process of Town governance as detailed in Natick's Home Rule Charter and Town By-laws.
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	22 Pleasant Street will return to the market. The owner will lease out the space as authorized by the current zoning code in the short-run. In the long-run, the owner will continue to look for a different purchaser of the property. At that point the current owner is successful at finding a purchaser, the new owner is not required to provide the Town access to the baseball fields. That is currently done because the current owner so desires. The new owner is not so obligated. Depending on their planned use, they may or may not require approvals from the Town that would allow the Town to leverage for access. Thus, lost of access to the baseball fields would require the Town to acquire access through eminent domain, which would severely reduce the value of the property. A subsequent legal claim by the new owner for loss of value of their property could probably cost the Town almost as much as an outright purchase.

ITEM TITLE: Article 27 - Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Questionnaire Responses and FINAL MOTION	9/15/2018	Exhibit
Preliminary Motion	9/6/2018	Exhibit

Warrant Article Questionnaire Citizen Petitions Articles

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

Article #27	Date Form Completed: September 12, 2018
Article Title: Prohibit Dog Kennels in Single Family Residential Zone RS and/or RG	
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 Motion.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To prohibit “dog kennels” (use # 53) from ALL residential zones (currently prohibited in RM but are allowed by special permit in RG and RS).
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Peace and quiet. The knowledge that neither I nor any other resident in the Town has to worry about opposing applications for dog kennels near our homes. Continued increase in residential property values.
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	Peace and quiet for all residential zones. Offsite doggy day care businesses, dog walkers and dog kennels in CII zone can adequately address the needs of the dog owners in the community.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The fact that dog kennels are NOT allowed in RM, but ARE allowed by special permit in RS and RG makes absolutely NO sense! They should not be allowed in ANY residential zones in order to protect residents’ use and enjoyment of their property as well as their property values.
6	Have you considered and assessed, qualified and quantified the various impacts to the community such as:

Warrant Article Questionnaire Citizen Petitions Articles

	<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	Less noise in residential zones – otherwise, no impacts to the Town.						
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	I have represented 3 different property owners in 2018 to oppose dog kennel applications and although good for my business, my clients as well as of hundreds of other property owners have expressed their STRONG belief that this type of use should NOT be allowed in residential zones.						
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	Hundreds of residents have expressed support of this proposal and the Planning Board has a public hearing scheduled for September 20.						
9	Why is it required for the Town of Natick AND for the sponsor(s)?						
Response	It is required in order to respect the rights of residential property owners.						
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	<table border="0"> <tr> <td>1</td><td>Framingham</td><td>Not allowed</td></tr> <tr> <td>2</td><td>Medfield</td><td>Special permit</td></tr> </table>	1	Framingham	Not allowed	2	Medfield	Special permit
1	Framingham	Not allowed					
2	Medfield	Special permit					

Warrant Article Questionnaire Citizen Petitions Articles

	3	Needham	Not allowed
	4	Sherborn	Not allowed
	5	Sudbury	Special permit but very strict. All neighbors need to accept and controls for odor, noise, sound, lighting, waste control, etc.
	6	Waltham	Not allowed
	7	Wayland	Special permit but very strict in consideration of neighbors
	8	Wellesley	Highly scrutinized permit but not allowed if there is an employee.
	9	Weston	Not allowed
	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	Unhappy residents who may move to another town and possible decreases in residential property values.		

**2018 Fall Town Meeting
ARTICLE 27**

Motion:

Move to Amend "Other Use # 53" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "A" to an "O" in the Residential General (RG) and Residential Single zone columns.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Other Use #53 now reads:

"

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O

"

**2018 Fall Town Meeting
ARTICLE 27**

Motion:

Move to Amend "Other Use # 53" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "A" to an "O" in the Residential General (RG) and Residential Single zone columns.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Other Use #53 now reads:

"

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O

"

ITEM TITLE: Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Motion	9/6/2018	Exhibit
Map for Reference	9/6/2018	Exhibit
Article 28 Questionnaire Response and FINAL MOTION	9/15/2018	Exhibit

**2018 Fall Town Meeting
ARTICLE 28**

Motion # 1:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding two (2) asterisks 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 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 Fall Town Meeting
ARTICLE 28**

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 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 Fall Town Meeting

ARTICLE 28

Motion # 3:

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..

Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 28	Date Form Completed: September 12, 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 Fall Town Meeting
ARTICLE 28

Motion # 1:

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding two (2) asterisks 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 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 Fall Town Meeting
ARTICLE 28**

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 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 Fall Town Meeting

ARTICLE 28

Motion # 3:

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..

ITEM TITLE: Article 30 - Amend Town of Natick Zoning Map: Assisted Living Overlay
Option Plan

ITEM SUMMARY:

ITEM TITLE: Article 40 - Amend the Town of Natick By-Laws: Create New Committee - postponed to Sept 25

ITEM SUMMARY:

ITEM TITLE: Article 34- Amend Historic Preservation Zoning By-Law
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 34 Questionnaire Response and Motion (at back)	9/15/2018	Exhibit
Email to Historic Commission requesting confirmation of vote in support	9/15/2018	Exhibit

Q1- Provide the article motion exactly as it is intended to be voted on by Town Meeting

See attached Motion.

Q2- At a Summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the required Motion?

The purpose and objective of the Warrant article and required Motion is to:

- 1) Restore the integrity of these historic homes that can provide housing within our communities.
- 2) Preserving history as well as the antiquity of their architectural designs.
- 3) Providing relief to large historic home owners that are bound to the hardship caused by the size of these properties as a single family residence
- 4) The property located at 50 Pleasant Street is one of a kind property that would benefit from the above proposal. Its astounding original design should be restored while being converted into condominiums. This project will benefit homeowners in the community by increasing the value of their property

as well as increasing the town's revenue in real estate taxes.

5) One of the units (10%) will be made available for sale as an “affordable” unit

6) It appears the existing By-Law was written primarily for one project and we are asking that the By-Law is re-written with flexibility for all historic properties in the community.

Q3-What does the sponsor gain from a positive action by Town Meeting on the motion?

If the laws is modified we could provide housing for 10 families with one affordable unit. We would help our community to grow and prosper. Returning this property to its original state is our way of giving back to a community that we dearly cherish where we raised our family for the past twenty two years. Should the town vote to amend the bylaw, it would be a huge victory for the community to protect and restore the characteristics of historic homes thus preserving history in our town. Likewise, we as well as others, will no longer carry the financial burden caused by these large single historic properties.

Q4-Describe with some specificity how the sponsor envisions how:

➤ **The benefits will be realized**

Pictures of the original property will be utilized as the architectural model to return the property to its original design. Recently added sections that do not reflect the original design will be torn down and replaced.

Buildings that were demolished will be re-built.

Returning this property to its original state while providing affordable housing will welcome and maintain the caliber of residents that are attracted to Natick thus raising the value of our community.

This project will be well worth our venture and will deliver great return on investment as our goals to construct quality Town Houses. We, as the sponsors will benefit from selling the units. The bank will benefit and the town will benefit in significant increase in real estate taxes. The 2018 current tax amount for the property located at 50 Pleasant Street is \$15,475

and the expected tax amount for the ten units will be approximately \$130,000.00.

➤ **The problem will be solved**

If this motion passes, it will make the restoration economically possible. The elimination of the 10% limit on new construction will allow the community to return their historic homes to their original states providing that they meet the requirement of the By-Laws. If we do not amend this law it continues to be detrimental to historic properties in Town. As you are aware, 50 Pleasant Street was on the market for a long time and has not sold as a single family residence. All potential buyers contacted the building inspector for the purpose of trying to build condominium units.

The community at large will gain value in the outcome through the accompanied motion

If the motion passes it will allow others to benefit from growth, population and revenue.

This project at 50 Pleasant Street will upgrade, replace and renovate the dilapidated property that negatively affects the neighborhood and community at large.

Because of its uniqueness and beauty of the property, this development will add character and charm to the neighborhood and to the Town.

The business community will also benefit because this project will bring new people to the community, increases its pride and satisfaction, as well as creates new jobs and increase investment for many businesses.

Q5-How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations?

The proposed amendment is consistent with the intent and purpose of the Historic Preservation By-Law (H.P.B) to preserve unique historic structures.

Q6-Have you considered and assessed, qualified and quantified the various impacts to the community such as:

➤ Town infrastructure (traffic, parking, etc)

- **Neighbors (noise, traffic, etc)**
- **Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc**

Pleasant Street is a busy road and there are many cars traveling daily. The proposed plan at 50 Pleasant Street will have:

- a) Minimum effects on infrastructures
- b) Landscaping along all buffers
- c) Private trash collection
- d) Sufficient parking spaces

The project will appeal to families who are empty nesters seeking to downsize their therefore noise will be a non-issue, and will provide an affordable unit.

We plan to come up with a green plan that will optimize the conservation of energy while utilizing recycled materials. We will partner with a company whose expertise lies on conservation and green issues.

Q7-Who are the critical participants in executing the effort envisioned by the article motion? 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?

Ee have already obtained the unanimous vote of the Natick Historic Committee Board that the building and structures are of Historic architectural and cultural significance.

We have also retained a local firm, South Natick Law being a firm of lawyers who are well informed on the town's bylaws and building codes.

We are hoping the Planning Board will support the amendment as well.

Q8-What steps and communication has the sponsor attempted to assure that:

- Interested parties were notified in a timely way and had a chance to participate in the process
- Appropriate Town Boards & Committee were consulted
- Required public hearing were held

We have the Historic District Committee support, we have met with the Community Development Director James Errickson on several occasions. We have spoken with building inspectors Mike Connely, Dave Gusmini who have had conversation with many Planning and Zoning members about the preservation of the historic structures at 50 Pleasant street.

Q9-Why is it required for the Town of Natick AND the sponsor?

To provide flexibility in attempting to preserve historic structures so they are not demolished and lost forever as well as to provide needed housing and economic development.

Q10-Since submitting the article petition have, have you identified issues that weren't initially considered in the development of the proposal?

No

Q11-What are other towns and communities in the Metro West Area, or the Commonwealth of Ma doing similar to what your motion seek to accomplish?

In Newton and Wellesley each case is looked at an individual basis.

Q12-If the Warrant Article is not approved by Town Meeting, what are the consequences to the Town and to the sponsor? Please be specific on both financial and other consequences?

If the Warrant article is not approved by Town Meeting, the Town of Natick will lose the opportunity to restore a unique historic structure as well as to lose increased in tax revenue that the new Town Houses would bring.

The existing historic structure will continue to deteriorate and be a burden for the neighborhood and the community.

This By-Law and amendment will demonstrate the Town's commitment to preserving community history and seeing historic resources as a community asset.

**2018 Fall Town Meeting
ARTICLE 34**

Motion:

Move to amend the Historic Preservation Bylaw Section III-J of the Town of Natick Zoning By Laws by deleting Section III-J(7)(3) in its entirety and replacing it with a new subsection 3 as follows:

“3. New construction shall be permitted on an individual basis at the discretion of the Planning Board after taking the following factors into consideration:

1. The square footage and net useable land area of the parcel(s);
2. Compliance of the existing buildings/structures and parcel with underlying zoning requirements;
3. Proposed restoration of the property to its original state – the extent and degree of the proposed restoration/preservation of the historic portion(s) of existing buildings/structures, as well as any proposed replication of previously demolished historic building/structures in order to bring the property/building(s)/structure(s) back to their original state.”



RE: 50 Pleasant Streets

1 message

George Richards <GRichards@southnaticklaw.com>
To: Joel Valentin <jvalentin_6@hotmail.com>, "steve.evers@smithgroup.com" <steve.evers@smithgroup.com>
Cc: Bmsb <bmsb77@gmail.com>, Patrick Hayes <phayes.fincom@natickma.org>

Fri, Sep 14, 2018 at 10:53 AM

Hi Steve:

Per the Bylaw, the letter/documentation needs to say that the by unanimous vote, the Commission found that "the building(s) or structure(s) is of historic, architectural or cultural significance".

Thanks so much!

George

George L. Richards III, Esquire
McLaughlin, Richards, Biller & Schindel, LLP
8E Pleasant Street
South Natick, MA 01760
Direct Line: (508) 655-1660
Fax: (508) 651-1128
Email: grichards@southnaticklaw.com

From: Joel Valentin [mailto:jvalentin_6@hotmail.com]
Sent: Friday, September 14, 2018 10:46 AM
To: steve.evers@smithgroup.com
Cc: Bmsb; George Richards
Subject: 50 Pleasant Streets

Mr. Evers

Hope this email find you well. Would you please send us a copy of the document stating that your committee (Natick Historic Committee) voted unanimously to add the [50 Pleasant street](#) house in the listing of Historic Homes. We would like to have it in our possession for our upcoming meetings with the Finance committee and the Planning Board. Thank you.

Regards,

Joel Valentin, MBA, MSCIS
Master of Business Administration
Master of Science in Computer Information Systems
President
The Bilingual Montessori School of Sharon
8 Nancy Road
Natick, Massachusetts 01760
Tel: (508) 878-9434

ITEM TITLE: Update and discussion on the Point of Order regarding the Special Town Meeting #2 public notice process

ITEM SUMMARY:
