



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

November 27, 2018 at 7:00 PM

This meeting notice was submitted to the
Town Clerk's office and posted on the
Town website at 5:45 PM on Tuesday,
November 20, 2018

PLACE OF MEETING

3rd floor Training Room, Natick Town
Hall 13 E. Central St., Natick, MA 01760

MEETING AGENDA

1. **Public Concerns/ Comments**
 - a. Resident and Taxpayer Concerns and Comments
2. **Meeting Minutes**
 - a. Review & Approve the September 25, October 4, October 4, and October 9 2018 meeting minutes
3. **New Business**
 - a. Scheduling future Committee and Sub-Committee meetings
 - b. Discussion of the FY 2020 Budget Planning and Key Drivers
 - c. Discussion of Rating Agencies Findings & Ratings
4. **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 time 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

ITEM TITLE: Review & Approve the September 25, October 4, October 4, and October 9 2018 meeting minutes

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Sept 25 Meeting Minutes- DRAFT	10/29/2018	Exhibit
October 9 Meeting Minutes	10/29/2018	Exhibit



Natick Finance Committee

Pursuant to c. 40, § 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

Town of Natick Finance Committee

Meeting Date: September 25, 2018

The minutes were approved through the following action:

Motion:

Made by:

Seconded by:

Vote:

Date:

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

September

25, 2018

Natick Town Hall

School Committee Meeting Room, Third Floor

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

Dirk Coburn	David Gallo	Cathi Collins
Dave Coffey	Bruce Evans	Patrick Hayes
Mike Linehan	Robert McCauley	Philip Rooney
Kristine Van Amsterdam	Linda Wollschlager	Dan Sullivan

MEMBERS ABSENT:

Jeff DeLuca	Jim Scurlock	Lynn Tinney
-------------	--------------	-------------

Meeting Agenda

1. Public Concerns / Comments
 - a. Resident and Taxpayer Concerns and Comments
2. Meeting Minutes
 - a. Review and approve the August 30, September 6, September 11, September 13, and September 20, 2018 minutes
3. Old Business
 - a. Finance Committee Scheduling
4. 2018 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 13 - Capital Equipment](#)
 - b. [Article 14 - Capital Improvements](#)
 - c. [Article 32 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements](#)
 - d. [Article 34 - Amend Historic Preservation Zoning By-Law - Previously Heard on Sept 13](#)
 - e. [Article 36 - Amend Zoning By-Laws: Outdoor Lighting](#)
 - f. [Article 37 - Amend Zoning By-Laws: Signage \(Residential Zoning Districts\)](#)
 - g. [Article 31 - Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street](#)
 - h. [Article 26 - 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](#)
 - i. [Article 10 - Committee Reports](#)

Elliot Goodman, Union St., Precinct 9

I have been a resident of Natick for approximately forty years. The reason I'm here tonight was I belatedly found out there was an article pending for the re-zoning of the farm directly across from my house. I am not going to take a position for or against what is proposed, however I'm troubled I had to find out by accident. My history has always been in all the cases I handled, neighbors were given written notification by letter (required) sent out by the Zoning Board of Appeals and always by publication from the Town. This is a major development across from my house and I have no knowledge about it. I contacted one of my neighbors who informed me what was going on at the farm, however many of my neighbors are not aware of this article. I understand what is proposed before Town Meeting is to build a rehabilitation facility on this property. I as well as my neighbors should have knowledge of that so they can voice their opinion. They do not, because it is done by overlay district and I take offense at that and it should be corrected. I believe it should go back to the old rules that we are all notified individually by letter sent out by the Town of Natick advising them what the proposal is and what it entails. It is my opinion it should be published in the newspaper and until such time there will be people who are offended by changes of use without their consent or knowledge. I am troubled by the word overlay district. It says that, by re-zoning, you may have an additional use for your property. It keeps the same residential zoning there now but puts an overlay district through a special permit for a particular use. The use in this case is a health facility which may be appropriate because of its location, but we don't get any notice. All it does is enhances the value of residential property prior to that time the property is sold or prior to there is an agreement to buy. There may be no customer out there but the point is residential property is worth a great deal more because not only can it be used for residential use but also for overlay district, which in this case is a health facility. I hope this board has the opportunity to revise and seek revision for the codes so as to enable information going out to the neighbors...

Mr. Hayes said he wasn't going to enter into debate with you because that is not what we do at this point of the agenda. However, that the Fall Annual Town Meeting Warrant that included Article 30 was for this particular Assisted Overlay Option Plan (ALoop) on that particular property you mentioned was publicized in the Metro West Daily News as is every Town meeting warrant. This is the first publication notice to the residents of Natick. Because this was a proposed Zoning Bylaw change and the Planning

Board advertised a public hearing for that article in the Metro West Daily News in mid-September which is the minimum obligation and the only requirement they have for proposed changes to the Zoning By-Laws. There were two publications in the newspaper and the warrant is posted in numerous places around Town including the Community Senior Center. There are minimum expectations and they were met. With respect to any article in overlay option plan or district, there is no requirement for abutters to receive notice from the Town of Natick or the property owner because the notice has already been given through publication of the warrant. If a property which was put in at the time of the overlay district (any overlay district) which requires granting authority, in this case the assisted living option or a special permit granted by the Housing Authority requirement and in this case the assisted living option overlays do at a point in time that a proposal for developing under the ALOOD is put in front of the Planning Board. It publicizes that public hearing and also requires, I believe, that letters go out to the abutters of that property. That happens when a developer wishes to develop it and is looking to get a Special Permit to do so that meets the Bylaw Zoning requirements for that type of an overlay. I am sharing all those things so you and others listening tonight there are some different steps that happen in respect to notification. The point is well made that perhaps there needs to be more or different types at different points at time and this Committee will take that and work with Town Administration, Planning Board and others to see if we can make it more effective.

Ms. Collins said she would like to offer a mea culpa to this Committee and others to let them know my choice of words at last Thursday's Committee's meeting was not a good one. Regardless of whatever frustrations I may have been feeling, it's not a word I should have used, certainly in this setting, so I apologize.

Ms. Hayes took a moment to speak with members to last Thursday night. I spoke with Ms. Collins to let her know I was going to do this. For members who may not have been here and for people who may have been watching at home, during the public hearing last Thursday night on Article 35 there were comments made by members that, in the Chair's mind, perhaps not at that moment of truth but afterwards, thinking about it for a day or two felt it was inappropriate. Whether intentional or not, the fact that it had been said and has been said at certain moments in time and cannot be taken back. That is unfortunate and is challenging as I don't know we were our best selves last Thursday night and I find fault in myself as the Chair for not being facile enough to stop the proceedings at that moment to get things squared away. To the Committee and to the public I apologize for my lack of action. Those that come before us deserve a level of respect the same we would expect to be given to us. We owe it to those people who come before us whether they are Town agencies or citizens even though we may not like what they are trying to do. We have ways to express that in ways that are appropriate and respectful. In my mind, the citizens of Natick should be holding us their fiduciary watchdog to a very high standard which I believe they do and should and most of the time I believe we meet that standard. Last Thursday night, we failed to meet that standard.

Mr. Hayes announced that he was asked to make sure to read this at the start of every meeting, 'this meeting is being broadcast live and being recorded for future public distribution'.

With that I would like to move on to the next agenda item which is meeting minutes by Mr. Evans.

Mr. Evans shared three sets of amended minutes for approval by the Committee.

***Motion by Ms. Collins to approve August 30th minutes as amended, seconded by Mr. McCauley,
Voted 8- 0- 4***

***Motion by Mr. Hayes to approve September 6th minutes as amended, seconded by Mr. McCauley,
Voted 9- 0- 3***

***Motion by Ms. Collins to approve September 13th minutes as amended, seconded by Mr. Hayes,
Voted 9 -0 -3***

Mr. Evans said he will hopefully have September 11th and September 20th by Thursday.

Mr. Hayes said old business would be pushed to end of the night. I will take a motion to open the 2018 Fall Town Meeting Warrant Article public hearing.

Mr. Evans moved to open the 2018 Fall Town Meeting Warrant Article public hearing, seconded by Ms. Van Amsterdam, Voted 12 – 0 – 0

Proposed Motion – Article 10 Committee Reports

Mr. Hayes said Article 10 is a recurring article on the warrant for every Town Meeting for Committee Reports. Committees are not obligated to provide reports but are welcome to do so. Our job is to have a brief understanding, not a presentation of the subject matter of the report, in this case from the Cochituate Rail Trail. There are two choices we can have around favorable recommendation, one is to recommend at Town Meeting they hear the report; the second is they hear and discuss the differences if we believe or the sponsors believe there is reason to allow questions for clarity or information sharing. This Committee also has the motions available to them such as indefinite postponement, referral to the sponsor, or No Action though the Chair approves no action when action can be taken. In this case the CRT represented by Mr. Ostroff is requesting a motion for consideration to hear and discuss for Town Meeting.

Josh Ostroff, Town Meeting Member; Member, Cochituate Rail Advisory Committee asked to make a public service announcement. In winter coyotes are a concern, and dumping of brush on semi-wild land like sides of the rail trail or conservation land provides habitat that will exacerbate this problem so those who live in that area and are doing so may be perpetuating a problem you don't want to have.

Mr. Ostroff handed out the most recent newsletter for the project as well as an interim map and guide that is provided online at Committee's website

Mr. Ostroff said his intent is to work with the Town Administrator, Town Staff, and Chair of the Board of Selectmen and hope to have the presentation publication for the book no later than October 2nd.

Mr. Hayes said if you want it included in the book it must be received by October 2nd, after that it is at the discretion of the Moderator where it goes.

Mr. Ostroff said the presentation was posted on NovusAgenda for Thursday's meeting but you are hearing Committee articles tonight and we have the opportunity be in front of the agenda. I will go over the content of the presentation and the reason I think it should be provided to Town Meeting. There are a couple of new things such as the project is out to bid as of about three weeks ago. Bids will be open in November and we may have our contractor or the state by spring 2019 with approximately a two year construction window. For an overview of the project I would like to talk about some features of the trail but for the benefit of Town Meeting members who may be new or the public who may have recently moved here. I will summarize the Land Acquisition both the Acquisition of the Saxonville Branch:

- A couple of years ago for over \$6,000.000 and the sources of funding for that Wonderbread spur, a short quarter of a mile section of the trail at no cost, easements that were voted by Town Meeting and consummated in June or July.
- Use of 11 Mechanic Street, not an action item but how and why it was acquired and for what purposes by the Conservation Commission in 2007.
- Regulations concerning interim use and the history of the design for the project, both the conceptual design in 2010 through final specifications a couple of months ago.
- How construction is funded with federal and state funds.
- Construction impacts expected and how they will be provided for, traffic detours on Route 30 and Route 9 the major impacts.
- Parking concerns
- Funding Sources, such as the \$1,001.000 appropriated by Town Meeting for design and due diligence of which about two-thirds is dedicated to funding for the project.
- Money we used for property and acquisition and where construction money is coming from.

- Pending expenditures where in the version on NovusAgenda some of those are blank. We are trying to get the design engineer to submit invoices so we can show a more appropriate balance. I don't want Town Meeting or anyone to think the funds are just sitting there while we are waiting to get some bills. We expect to have a surplus of contingency funds in the \$20,000 to \$30,000 range that will be beneficial to have and can be appropriated for any purpose Town Meeting needs when the project is done.

Mr. Ostroff said it would be helpful for the Finance Committee members to have a picture of what efforts the Town has undertaken to try to minimize the impact on taxpayers of the funds that were used for acquisitions. Legislation was passed, the request we made to MassDOT to repurpose certain funds, the bridge damming rights legislation that I think Town Meeting passed about a year and a half ago that was stalled on Beacon Hill and where we stand with donations and sponsorship of revenue. To wrap up, just looking at the upcoming work, how we will be coordinating with the contractor, Mass DOT, working with abutters, developing our operations and maintenance plan. Sight plight review has to happen; and according to the By-Law by the Planning Board, additional landscaping, and community participation. Importantly to abutters is connectivity; we will show how MathWorks and others have formal connections and the kinds of informal connections we can expect to happen in the coming years with pictures and where to go for more information. I close by thanking the Finance Committee both the members here and predecessors for their support for this project going back to December of 2006.

Questions from Committee

Mr. Rooney asked if the bridge across Route 30 to connect with Framingham was still in discussion.

Mr. Ostroff said it was in design and soon to be in construction. The bridge across Route 30 is needed because it is a very congested area not appropriate for a grade level crossing so Mass DOT and the Town agreed that a grade separating crossing was appropriate and a bridge would be more practical than a tunnel given safety perceptions and the water table in the area. The bridge would be located at the town border with Framingham so it will be entered into municipal agreement on ownership and maintenance.

Mr. Linehan asked what the heights of the bridges are and what are the specifications?

Mr. Ostroff answered 16 feet, 6 inches is the default clearance and that clearance is for new Mass DOT-sanctioned construction. One of the reasons that the Route 9 bridge has to be replaced is that it has about 13 foot clearance so they want to replace it with something that is taller to provide clearance for large trucks.

Mr. Linehan asked will funding information for the bridges be included in the report.

Mr. Ostroff said that they are included in the entire Federal and state funded project.

Mr. Sullivan said, as far as funding mechanisms, there is the impression among a number of individuals who felt that anticipated donations would be higher than they are. When we continuously come back to Town Meeting that and remind us about a relatively small amount, it continues to exacerbate that small percentage of Town Meeting members and voters that feel as although they were given an impression that has not come to reality. I understand about the issue of full transparency, and I'm not saying we want to do that, but feel we might be better off just to not get into anything granular as I can just anticipate how much has it been and someone does a calculation and it ferments those feelings among that population all over again.

Mr. Ostroff said he would be willing to discuss this topic with Mr. Sullivan and anyone from the public regarding how we got where we are offline.

Mr. McCauley asked whether this project will be in progress the same time as North Main Street; could you discuss with Town Meeting if appropriate how the two projects might impact one another with traffic in the Town?

Mr. Ostroff said he would speak to Mass DOT concerning this as far as timing, sequencing and what the impacts would be which may be a good Board of Selectmen agenda item.

Mr. Coburn moved to hear and discuss the CRT Report, seconded by Mr. Linehan, Voted 12 – 0 - 0

Debate:

Mr Coburn said we've shown here in our own meeting why "hear and discuss" is an appropriate recommendation. This is something people are interested in, have various angles on, minority angles, lost cause angles or whatever they may be. The business of town government is a transparent one and if that means scratching some itches and scratching them a little sore sometimes that's the cost of living in a free and transparent society.

Mr. Linehan said Mr. Coburn covered it very well and given no alternative motions do not believe further discussions are needed.

(Article 13 – Capital Equipment

Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

MOTION A: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$775,000 to be expended under the direction of the Department of Public Works for the purpose of replacing a trash packer (vehicle 504), replacing a truck/sander (vehicle 408), replacing a Trackless (Vehicle 426) individually shown as items 1 - 3 in Table A below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$775,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$775,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE A - MOTION A: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Replace Trash Packer (Vehicle 504)	Tax Levy Borrowing	\$ 303,000
2	Public Works	Replace Truck/Sander (Vehicle 408)	Tax Levy Borrowing	\$ 250,000
3	Public Works	Replace H-70 Trackless (Vehicle 426)	Tax Levy Borrowing	\$ 220,000
Appropriation under Article 13: MOTION A				\$ 775,000

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$1,040,950 to be expended under the direction of the Department of Public Works for upgrading Garage Equipment, replacing a Hook-Lift Truck (Vehicle 205), replacing dumpsters, purchasing Seeding Equipment, a Tree Inventory, and under the direction of the Facilities Management Department, installing thirty five (35) classroom projectors at the Wilson Middle School, purchasing classroom furniture, fixtures, and equipment at the Uija Elementary School, purchasing new furniture at the Natick High School, purchasing additional storage lockers at the Natick High School, and replacing the generator at the Memorial Elementary School, and under the direction of the Fire Department purchase replacement radios, under the direction of the Police Department the purchasing and installing bi-directional amplifiers at the Bennett Hemenway Elementary School, replacing police cruisers, replace laptop computers, Emergency Operations Center/Training Center Audio Visual Upgrade, replacing variable message boards, replacing the comparator and voting modules, and under the direction of Town Administration the purchase and installation of document storage systems individually shown as items 1 through 17 in Table B below, and that to meet this appropriation the sum of \$1,040,950 be raised from the Capital Stabilization Fund.

TABLE B, MOTION B: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Upgrade Garage Equipment	Capital Stabilization Fund	\$ 155,000
2	Public Works	Replace Hook-Lift Truck (Vehicle 205)	Capital Stabilization Fund	\$ 140,000
3	Public Works	Replace Dumpsters	Capital Stabilization Fund	\$ 15,000
4	Public Works	Seeding Equipment	Capital Stabilization Fund	\$ 16,500
5	Facilities	Wilson - Install 35 Classroom Projectors	Capital Stabilization Fund	\$ 87,500
6	Facilities	Uija School - Purchase Classroom FFE	Capital Stabilization Fund	\$ 50,000
7	Facilities	High School - Purchase New Furniture	Capital Stabilization Fund	\$ 25,000
8	Facilities	High School - Purchase Additional Storage Lockers	Capital Stabilization Fund	\$ 10,000
9	Fire	Radio Replacement	Capital Stabilization Fund	\$ 210,000
10	Police	Bennett Hemenway Bi-Directional Amplifiers	Capital Stabilization Fund	\$ 46,000
11	Police	Cruiser Replacement	Capital Stabilization Fund	\$ 100,000
12	Police	EOC/Training Center AV Upgrade	Capital Stabilization Fund	\$ 40,000
13	Police	Replace Variable Message Boards	Capital Stabilization Fund	\$ 17,250
14	Police	Replace Comparator And Voting Modules	Capital Stabilization Fund	\$ 12,500
15	Police	Replace Laptop Computers	Capital Stabilization Fund	\$ 6,200
16	Town Admin.	Document Storage Systems	Capital Stabilization Fund	\$ 100,000
Appropriation under Article 13: MOTION B				\$ 1,028,950

MOTION C: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$80,000 to be expended under the direction of the Public Works Department for purpose of upgrading SCADA equipment, individually shown as item 1, in Table C below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$80,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$80,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE C, MOTION C: Article 13 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	SCADA Equipment Upgrade	Water Sewer Borrowing	\$ 80,000
Appropriation under Article 13: MOTION C				\$ 80,000

MOTION A

Ms. Malone: Since the circulation you received this weekend to Article 13 and respective motions, we have corrected some typographical errors and two items were modified monetarily under Capital Equipment:

1. Original version included tree inventory which has been moved to Capital Improvement. I will go into more detail when we get to Article 14.
2. Ben-Hem bidirectional amplifiers which are on Motion B of Article 13 amount has been reduced to \$44,000. The School Department had money allocated for part of that project so that amount is less.

Ms. Malone asked Chair if she could give a brief overview of capital in general and then walk through at the pleasure of the board.

Mr. Hayes asked if it would be under thirty minutes and without objection told members they would hear from Ms. Malone from capital.

Ms. Malone said after she was hired June 1, she has been working diligently on not only the accounting and Finance side, but also on capital side. There were items that concerned me. It appears there were a fair amount of maintenance items looking at the capital plans in either equipment or improvement but they were functionally neither improvement nor equipment. These items were mostly maintenance and there is really no budget in any of the departments that specifically allows for the ongoing maintenance of these large capital purchases once they're made. A prime example is when we purchased fifteen Dell computers on the police side they were all purchased all at the same time, which meant the warranties and useful life all expired in the same year which meant a larger capital outlay in that year. Structuring some of the items on a more regular basis is something I think is important. With respect to buildings, it would also increase the longevity on many of our systems on regular maintenance. I acknowledge that some of the items you will see on this list are a misnomer. There are items, in our professional opinion, have to be completed and there is no other bucket of money from which we can use as a funding source. One of the things I'm working closely on with Deputy Town Administrator Chenard and Deputy Town Administrator Townsend is figuring out a better way going forward once we have made large capital investments to ensure all of our systems such as boilers, carpets, doors, security infrastructure are appropriately maintained so we do not have large expenses in one particular year. I'm very grateful for the School Department who has been willing to be a partner in this. One of the things we are chartering on is a different mechanism in process for the Director of Facilities. It is very important for our bodies not only for Board of Selectmen but for transparency to enable someone to let us know if this is working great or not working what are you doing about it? I believe the Town Administrator working collaboratively with the Superintendent can do that. I do believe the process can be improved and that the management structure for this particular position will need to be modified in order to enable this. I do want to plant the seeds in the spring in light of what we have been discussing as an executive team and looking ahead to the budget I would envision there being a line item, not necessarily additional money but a bifurcation that needs to be pulled out so we can appropriately plan and to appropriately do an inventory.

Questions from the Committee

Mr. Rooney asked if he was correct in understanding if we looked at individual departments right now we would not see adequate funding or monies describing maintenance for required for capital equipment.

Ms. Malone said yes. For example, on the list you have before you for capital improvements and the list you had before that had the tree inventory which is neither an improvement nor equipment. We actually own trees and we need to maintain them and a number of trees fall each year.

Mr. Rooney asked if there was any kind of guidance or method presentation where it's prescribing for a town such as Natick and other towns that it should be included in individual departments as a line item as opposed to grouped in in some way shape or form with capital.

Ms. Malone answered because Facilities is responsible for all our buildings much of the maintenance is paid out of Capital Stabilization or the Facilities budget. Segregating it in a fund if that is the way we go,

allows us to appropriately measure year after year and plan for particular things that have to be done that are more than a \$1,000 that are larger ticket items.

Mr. Rooney said I'm assuming there are people that have to perform this maintenance, it's not all done using external resources. Do you think it would be better reflected to identify the maintenance activities with particular departments to give us a better understanding what department needs may be, whether they be for resources to do the maintenance, people, equipment, etc.?

Ms. Malone said we looked to the directors to see but most of the monies we are talking about are coming from Facilities so they are managing it once it is appropriated from Capital Stabilization and or Free Cash. This is more than an accounting measure and would also provide us with planning for the future.

Mr. Rooney asked if he could have a description of the equipment for item Seeding Equipment in Article 13, page 2, for \$16,500.

Mr. Chenard said it is a piece of equipment which is relatively small (approximately five foot high, two feet wide), and does not have its own power source. We have a difficult time getting our fields to germinate seed during playing seasons. This piece of equipment attaches to an existing tractor we have and allows us to sow the seed and get it into the earth through a process that connects to the tractor and will be stored at the Department of Public Works. There is not a lot of maintenance or a lot of storage capacity required for this piece of equipment.

Mr. Rooney pointed out on that same page second line down; there is a vehicle replacement for a truck sander which is a big number of \$250,000. It says it's a 2006 but it has just less than 62,000 miles on it. Is that typical we need to spend that amount of money to replace a vehicle after only 62,000 miles or is that a function of maintenance?

Mr. Chenard answered it is not typical and it is not a function of maintenance. I will give our maintenance division kudos as they keep these vehicles and equipment on the road well beyond their useful life. We meet APWA (American Public Works Association) and manufacturer standards. I prefer APWA as manufacturers have an interest in selling new vehicles to you and APWA does not. We have three of these particular vehicles, the 2006 Volvos. There was a particular problem with the design of those in the way the frames and transmissions were built that when you are doing winter snow and ice operations, salt gets in there. Even if you wash it off, which we do after every storm, it does not come out and the vehicles deteriorate that much quicker. It is not always about miles on vehicles, in fact this vehicle has 5,432 hours on it and if you use the standard conversion it has 179,000 miles. The vehicles do other tasks where they are not accumulating a lot of mileage but still working. For example, paving operations where they are dumping pavement into a paver which is a very slow process and not accumulating a ton of miles but the engine is high RPM with a belt ripping while sanding and grading roads. These have a center scraper which is a scraper under the base of these vehicles.

Mr. Rooney asked what type of vehicles you will be replacing it with.

Mr. Chenard answered we are replacing it with a Peterbilts.

Mr. McCauley asked if we try to sell or salvage the units being replaced.

Mr. Chenard answered that they do an analysis of most vehicles and equipment to decide if it's better to trade the vehicle or to sell it at auction. Over the last five years, in 99% of the cases, we've found that we do much better selling these items at auction. For example when Ford stopped making the Crown Victoria cruisers, it was a gold mine at auction because every big city taxi cab company that had these vehicles wanted them for parts. Regarding the one we are talking about now I am not sure how much will sell at auction. We have trucks go to Haiti where they will pay for the shipping.

Mr. McCauley asked what the estimated life time was for the new equipment and is the borrowings we will be doing coordinated so we are not going to borrow over twenty years for something that has a ten year life time.

Mr. Chenard said they look at the APWA standards, the equipment that is on here tonight will range from a low of five years to a high of twelve years. The smaller equipment tends to be low on the scale where the trackless sidewalk plow, tends to be on the highest scale. We will take that information to the Board of Selectmen which will vote based on use of life and determine and set a maximum borrowing.

Mr. Linehan asked if the first three truck items trash compactor , sander and trackless side walk plow, understanding it's not just mileage but hours can be as relevant, goes from \$3 per mile, to \$4 miles per mile, to 17 miles per mile. The trackless tractor doesn't have many hours on it and is a low speed vehicle, yet it is in the same cost ballpark as the two full size trucks above, but has just 13,000 miles and a shade over 1,700 hours. That seems to have an extremely high cost per hour or cost per mile of operation. Is there a reason why they are so disproportionate to the other normal truck and the very low speed sander truck?

Mr. Chenard said the trash compactor will accumulate miles very quickly because they are constantly moving every day leaving the DPW at 7:00 a.m. and go to the dump in Millbury late in the afternoon every single day. The trackless tractor's primary purpose is low speed and related to sidewalks. They take a tremendous amount of physical abuse in the winter months and the useful life is estimated to be five years. This vehicle is a 2006 which means it is twelve years old.

Mr. Linehan asked what the miles and hours were on the hook lift truck, vehicle number 205.

Mr. Chenard said number 205 has 81,876 miles and over 8,000 engine hours. The estimated cost of repair with all the maintenance issues it is having now is just over \$345,000. I have detailed breakdowns by each item if you want them.

Mr. Linehan said on the truck sander you mentioned its collection of salt cannot be washed away, is there anything post-purchase but pre-usage that could be done to protect the areas impacted?

Mr. Chenard said they use a "slick system" where those areas are oiled and use an undercoating system. However, the problem with these vehicles is there are gaps in the frame. There was a major electrical failure this last season which contributed to replacement costs.

Mr. Linehan referred to the bottom of the first page on the items defined as Facilities but they are all school facilities. When we calculate or provide for reporting to state and cleargov website how much towns spend on schools versus on how much they spend on other stuff. Would these items be listed as school expenditures or as general government expenditures?

Mr. Chenard said these items would be listed as school expenses on end of year report.

Mr. Linehan On documentation storage systems, with one purchase for the retirement board and one for the public schools, and information technology systems I am assuming the school system will be reported under school expenditure.

Mr. Chenard more than likely yes, but I want to note on the documentation storage systems is the reason we are putting the document sources in this building is when this building was built we failed to put proper document storage systems in. Its 2018 almost 2019 and we currently store paper documents in boxes on a frame built on two by fours and half inch plywood. When Town Hall was built, it ran out of funds and we were unable to add those to the basement but this is likely the final phase for that which we will reevaluate against the actual bids that come in. The quotes that came in indicate this will be the final phase.

Mr. Linehan asked if these were actual file cabinets or digital storage.

Mr. Chenard said they are not actual file cabinets or digital storage. It is physical storage and if you would like to see it I can show you. They are racks on crank systems as in the Town Clerk's office.

Mr. Linehan asked if any of these documents had disposal dates and if not will they outgrow this building.

Mr. Chenard said it is a mix of documents Sixty percent are documents we deal with as a government as a whole that can be destroyed via the state's destruction schedule which defines where you need permission to do destroy documents, the documents being destroyed, and the time period which can run

between three to twenty years, depending on the document. The other forty percent is a huge bulk of documents such as Assessor's, Collection and Building departments records, especially plans some which are huge and cumbersome are permanent records that have to be stored forever.

Mr. Linehan asked of those records that have to be stored forever, is there any thought about which ones might be digitized at some point?

Mr. Chenard said we are looking and discussed with this group a digital process. However, that doesn't eliminate the fact we still need to store those somewhere.

Ms. Malone said she wanted to address an issue I think we are working in progress is this idea of schools vs. town. I've reached out to the School Committee and meet regularly with the Superintendent. The specification as to the department that's on here is just may be means of who would be making the purchase. I feel very strongly we are one town and particularly understanding the charge that given to the Town Administrator to the buildings I take that charge very seriously for every school facility. I think towards the betterment while we will still have the segregation and the transparency, I encourage us all to turn a new page because I think we are in a good space.

Mr. Linehan said his question was not about spending it but getting credit on cleargov for it.

Ms. Van Amsterdam said that Ms. Malone in next year's fiscal budget there may be a maintenance line item would fall under the Facilities Department that would include items that now are listed and/or funded as Capital Stabilization or borrowing. Is it your hope to create a maintenance budget line item that would be town items including government, non government under the Facilities Department?

Ms. Malone answered yes.

Ms. Van Amsterdam asked if that line item be from tax levy.

Ms. Malone answered she could not commit whether it would come from tax levy or from borrowing because she has not yet built the budget. We need to understand what the full breadth of the maintenance cost is.

Ms. Wollschlager asked if there were any items that were planned for this fall that are not included or deferred from this request. If yes, what are they?

Mr. Chenard said the town deferred a number of items. I don't think any item was deferred as a result of funding. They were deferred as either not being ready, not having the proper scope or we wanted more information before we put them forward through the capital budgeting process. There were a lot of small items and a couple of big ones such as air conditioning at some of the schools and the South Main Street paving project.

Ms. Malone I believe South Main Street may have been the biggest surprise to many on what was planned. The reason for that is that we are in the process of working with the utility companies to move the poles along South Main Street from the left to the right and back. Along with EverSource there are multiple other utility companies we need consensus on and to coordinate with to ensure when we move the poles that they are moved accurately and in accordance with that. In order to have a better refined plan we felt it was worth the time now to take the additional months to ensure we did have a refined plan that was able to be executed. Many people may have anticipated to see that this fall on the Capital Improvement which is Article 14, but it is being delayed and anticipated that project will be on for the spring and in the interim we will update people as the project progresses.

Mr. Hayes advised for recordkeeping purposes, the document that Town Administration distributed to us I will call Town Administrator Motion distributed at 9/25/2018 by this Committee meeting. Please refer to that when you contemplate a motion, file version 2.4. It's different from what was posted in NovusAgenda. An update was provided yesterday that I uploaded to NovusAgenda and forwarded to members.

Mr. Evans moved to recommend favorable action on subject matter Article 13, Motion A as received on 9/25/2018 version 2.4 in the amount of \$775,000 sourced from Tax Levy, seconded by, Mr. Coburn, Voted 12 – 0 – 0.

Debate

Mr. Evans thanked Mr. Chenard for the explanation of the problem with the Volvo trucks.

Mr. Coburn said very well explained, thank you.

Article 14 - Capital Improvements - 2018 Fall Annual Town Meeting**MOTION A: (two-thirds vote required)**

Move that the Town vote to appropriate the sum of \$1,935,000 to be expended under the direction of the Department of Public Works for replacing Garage Doors, guardrail purchase and installation, park and field renovations, and tree replacement, and under the direction of the Facilities Management Department for replacement of the Memorial School generator, replacing classroom carpet with tile at the Brown Elementary School, replacing exhaust fans at the Memorial Elementary School, replacing carpeting with tile at the Public Safety Building, replacing bathroom partitions and sinks at the Lilja Elementary School, replacing chilled water supply lines at the Morse Institute Library, installing air conditioning in the Art Room, Music Room, and the Cafeteria at the Brown Elementary School, rehabilitating three office bathrooms at the Johnson Elementary School, replacing the carpet in the teacher's room with tile at the Wilson Middle School, cleaning the air conditioning ducts at the Wilson Middle School, installing a water bubbler/ice maker at the Memorial Field House, and engineering for the roof replacement at the Morse Institute Library, installing modular classrooms at the Kennedy Middle School, and under the Direction of Town Administration for Memorial Field parking lot repair and improvement, for energy efficiency projects, and under the direction of the Police Department for installation of parking meters, individually shown as items 1 through 20 in Table A below, and that to meet this appropriation the sum of \$1,935,000 be raised from the Capital Stabilization Fund.

TABLE A, MOTION A: Article 14 - Capital Improvements - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Works	Replace Public Works Garage Doors	Capital Stabilization Fund	\$ 145,000
2	Public Works	Guardrail Purchase and Installation(Various Locations)	Capital Stabilization Fund	\$ 10,000
3	Public Works	Park And Field Renovations	Capital Stabilization Fund	\$ 205,000
4	Public Works	Tree Inventory	Capital Stabilization Fund	\$ 10,000
5	Public Works	Tree Replacement	Capital Stabilization Fund	\$ 30,000
6	Facilities	Memorial School - Replace the Generator	Capital Stabilization Fund	\$ 75,000
7	Facilities	Brown School - Replace Classroom Carpet With Tile	Capital Stabilization Fund	\$ 100,000
8	Facilities	Memorial School - Replace Exhaust Fans	Capital Stabilization Fund	\$ 65,000
9	Facilities	Public Safety - Replace Carpeting	Capital Stabilization Fund	\$ 60,000
10	Facilities	Lilja - Replace Bathroom Partitions And Sinks	Capital Stabilization Fund	\$ 40,000
11	Facilities	Library - Replace Chilled Water Supply Lines	Capital Stabilization Fund	\$ 35,000
12	Facilities	Brown - Install AC in the Art and Music Rooms and Cafeteria	Capital Stabilization Fund	\$ 30,000
13	Facilities	Johnson - Rehab Three Office Bathrooms	Capital Stabilization Fund	\$ 30,000
14	Facilities	Wilson - Teachers Room Carpet with Tile Replacement	Capital Stabilization Fund	\$ 10,000
15	Facilities	Wilson - AC Duct Cleaning	Capital Stabilization Fund	\$ 25,000
16	Facilities	Memorial Field House (NHS Athletics) - Install Water Bubbler / Ice Maker	Capital Stabilization Fund	\$ 10,000
17	Facilities	Library - Replace The Roof (Engineering)	Capital Stabilization Fund	\$ 50,000
18	Facilities	Modulars Kennedy Middle School	Capital Stabilization Fund	\$ 455,000
19	Town Administration	Memorial Field Parking Lot Repair And Improvement	Capital Stabilization Fund	\$ 350,000
20	Town Administration	Energy Efficiency Projects	Capital Stabilization Fund	\$ 150,000
21	Police	Parking Meter Installation	Capital Stabilization Fund	\$ 60,000

Appropriation under Article 14: MOTION A

\$1,945,000

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Public Works Department for purpose of water distribution system enhancements individually shown as item 1, in Table B below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$150,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$150,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

TABLE B, MOTION B: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Amount
1	Water Sewer Enterprise	Water Distribution System Enhancements	\$ 150,000

Appropriation under Article 14: MOTION B

\$ 150,000

MOTION C: (majority vote required)

Move that the Town vote to appropriate the sum of \$20,500 to be expended under the direction of the Public Works Department for the purpose of the engineering for replacing Water Treatment Plant stand-by generators, and engineering for the replacement the Capt Tom's booster pump, individually shown as items 1 and 2 in Table C below, and that to meet this appropriation the sum of \$20,500 be raised from the Water Sewer Retained Earnings.

TABLE C - MOTION C: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Replace Water Treatment Plant Stand-by Generators (Engineering)	Retained Earnings	\$ 10,500
2	Water Sewer Enterprise	Capt Tom's Booster Pump (Engineering)	Retained Earnings	\$ 10,000

Appropriation under Article 14: MOTION C

\$ 20,500

MOTION D:(two-thirds vote required)

Move that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Public Works Department for the purpose of Sewer Collection System Repairs & Maintenance, individually shown as item 1 in Table D below, and that to meet this appropriation the sum of \$100,000 be raised from the Inflow and Infiltration Stabilization Fund.

TABLE D - MOTION D: Article 14 - Capital Equipment - 2018 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Water Sewer Enterprise	Sewer Collection System Repairs & Maint	I & I Stabilization Fund	\$ 150,000

Appropriation under Article 14: MOTION D

\$ 150,000

Ms. Melissa Malone, TA

Mr. Bill Chenard, Deputy Town Administrator - Operations

Ms. Malone said that these are the capital improvements and that you will note that some items are maintenance including duct cleaning for the Wilson school. The department charged with implementing these particular items is noted.

Questions from the Committee

Mr. Rooney asked who does the tree replacement. Mr. Chenard said that this is replacement of damaged or dying public shade trees. Some of the work is done in-house by LNFR; some is contracted out. Quite frankly, in the past, the contracting work is not been terrific and cited the high school as an example. When LNFR went to look at the trees at the high school, it found that the steel cages around the root ball of the trees were still intact and the burlap hadn't been removed, etc. Mr. Goodhind now monitors the contractor's work. Some trees that were

installed on West Central Street that didn't grow are being replaced under warranty and they will be replaced this fall.

Ms. Van Amsterdam asked about the Johnson School bathrooms, my assumption is that these will not be made ADA-compliant. Mr. Chenard confirmed that they would not be made ADA-compliant because there are four bathrooms were teachers and adults in the building; one of them is ADA-compliant, the others will just be re-built so that they are working.

Ms. Van Amsterdam noted that the reason for the other bathrooms not being made ADA-compliant would mean that the entire Johnson school would need to be made ADA-compliant since the school would no longer be grandfathered under previous laws. Mr. Chenard confirmed that is the case.

Mr. Coffey asked when the parking meters were installed, why they weren't made ADA-compliant. This was a 2014 project and the original plan was to purchase the new double-headed meters and install them on the existing poles and cut the poles down to make them ADA-compliant. However, when we tried to do this we found that the poles were filled with concrete and if you cut them too far down, the meter heads didn't fit. So we used the available funds to purchase the new poles, knowing that we would need to retrofit the meters. DPW doesn't have the bandwidth to do this work since we need to have them focus on making streets and sidewalks ADA-compliant.

Mr. Coffey asked notwithstanding your comments about maintenance items being included in the capital improvements budget, is there any way that these can be funded elsewhere? Unfortunately the duct cleaning is urgently needed – you can visually observe the soot and this is needed to preserve the health and welfare of the school, and this was deferred previously and should have been done in the past. While I agree in principle, I would urge the Committee to approve this.

Mr. McCauley asked about how long the modular classrooms for Kennedy Middle School would be used since the new Kennedy Middle School would be built in two years. Ms. Malone said that she spoke to the school Superintendent and learned that these modular classrooms will be leased. Ms. Nolin said that these aren't the more "permanent" modular classrooms in use at Lilja School and Brown School. They're intended to be used for two years until the new Kennedy Middle School opens and then will no longer be leased. If we need modular classrooms elsewhere in the system, it's unlikely that these would be the same modular classrooms.

Mr. Linehan asked about the replacement of carpet with tile. Mr. Chenard said that carpeting shouldn't have been there in the first place, for example, in locker rooms. It's being replaced with tile. At the Brown School, there's a section of classrooms with carpeting that is old and worn out and will be replaced with tile. In many cases there is carpeting overlaid on top of these tiles for special needs purposes, but this carpeting is easily removed to be cleaned. We put down carpeting also to assist in acoustic dampening of the tiles. We've also just cleaned the carpet at the police station again. However, if you look at the wear pattern, you can see that carpeting is not a good idea because it constantly accumulates moisture from the outdoors which deteriorates carpet and requires constant cleaning.

Mr. Rooney asked whether the Memorial School parking lot renovation make sense given the anticipated work on the Memorial School fields. Mr. Chenard said the parking lot renovation is precisely aligned with the plans that are coming down the road. That parking lot is already been before the Planning Board for adding PV systems for solar arrays.

Mr. Evans asked about the energy efficiency section – it looks like a great deal of work is going into the Morse Institute Library. One of the things that we noted last year was there was a disproportionately high electrical and natural gas usage at the Library. Was an energy audit done that drove some of these changes? Mr. Chenard said the energy audit for the Morse Institute Library was completed by Paragon Energy in June 2017, funded by a grant from either EverSource or Green Communities and these are the items that they recommended the Town do. At installation completion, we will re-balance the system and we forecast a big drop in energy consumption.

Motion A

*Mr. Evans moved Favorable Action on Article 14 Motion A, dated 9-25-2018, Version 2.4 in the amount of \$1,945,000, sourced from the Capital Stabilization Fund, seconded by Ms. Van Amsterdam, **Voted 10 – 1 – 1***
*Mr. Coffey moved Favorable Action on Article 14 Motion A, dated 9-25-2018, Version 2.4 in the amount of \$1,920,000, sourced from the Capital Stabilization Fund, seconded by Mr. Linehan, **Not Voted***

Debate:

Mr. Evans I understand the concern about using capital stabilization fund for ongoing maintenance. In my view, we can quibble about this and go back to figure out where this should come from within the budget, but it's ultimately being paid by taxpayers, so it doesn't matter which bucket we take it from. As indicated by the TA, we have a path forward to have routine maintenance as an integral budget item that we'll see going forward, so I view this as more of a one-off thing that will be fixed in the future, but I'd like to get this squared away tonight.

Ms. Van Amsterdam said she agreed that, for this year, it should be included in the capital stabilization fund and in the future, be included in other budgets. I'm very encouraged by the town administrator working with the superintendent of schools to work on ongoing facilities maintenance and budgeting appropriately.

Mr. Coffey said that he wants to send a message that we're sick of ransacking capital stabilization fund because the money is available. It's ludicrous that we're just now discovering that ongoing maintenance is required and should be budgeted. I'm not blaming the TA, since this problem preceded her tenure, but I want to send a clear message that we're not going to do business-as-usual.

Mr. Linehan said he agreed with Ms. Van Amsterdam and thank the Administration for looking to include maintenance as an integral part of their operating budget, moving forward. However, I don't think that duct cleaning has anything to do with capital improvement. I'd prefer to see another motion for Article 14 that would include the duct cleaning, sourced from free cash.

Mr. Coburn stated that there is a point where deferred maintenance takes on aspects of capital investment, for example, in the extreme case, when capital good needs to be replaced. I'm comfortable with voting this under the capital improvements section, but I am going to support this exception.

Ms. Collins noted that the \$25,000 exceeds the minimum threshold for capital expense. These categories were developed by CPAs and IRS. This maintenance should have been done, but wasn't. However, no one in this room was responsible for ensuring that it was done. This is preserving our asset so that we don't have to replace the A/C system at Wilson Middle School. The capital stabilization fund was put together to collect hotel and meals tax to fund deferred capital maintenance, so I consider this a really appropriate use of these monies.

Mr. Sullivan: Town Administration acknowledged that past practice is not the appropriate way to go about this, and the TA asked us to overlook the duct cleaning item as she re-models the budget for the next fiscal year. I question the wisdom of removing the line item identified as a health risk to students and school employees. I understand that you want to take a hard line on this.

Mr. McCauley said that he agreed, in spirit, with Mr. Coffey's motion, but will support the higher number. Ms. Collins also makes compelling arguments. Town Administration has acknowledged the point, so let's move on with this.

Mr. Hayes posed a few rhetorical questions for the Committee's consideration:

- If the TA had not set the table about how she intends to re-vamp the budget beginning next fiscal year, I wonder whether we would even be having this discussion.
- I wonder where a motion to exclude duct cleaning would come from and what would be the funding source, since this is the only possible source on the 2018 Fall Annual Town Meeting warrant. Maybe we could have split the motion into A1 and A2, and the Recommendation Book would have two sources, but that may have been confusing to Town Meeting members.

Mr. Coffey noted that prior to this meeting, he sent a note to Mr. Evans noting his concern about the inclusion of duct cleaning in the capital improvement article and that he was not intending to give a cheap shot to anyone.

Motion B

*Mr. Evans moved Favorable Action on Article 14 Motion B, dated 9-25-2018, Version 2.4 in the amount of \$150,000, sourced from Water and Sewer borrowing, seconded by Ms. Van Amsterdam, **Voted 12 – 0 – 0***

Debate: None

Motion C

*Mr. Evans moved Favorable Action on Article 14 Motion C, dated 9-25-2018, Version 2.4 in the amount of \$20,500, sourced from Water and Sewer Retained Earnings, seconded by Ms. Van Amsterdam, **Voted 12 – 0 – 0***

Debate:

Mr. Evans: Where is Captain John's pump? Mr. Chenard said that it is located behind Jordan's furniture and pumps up to Lamplight Circle and our water system doesn't have enough power to push the water up the hill, so we need a booster pump at the bottom of the hill.

Motion D

*Mr. Evans moved Favorable Action on Article 14 Motion D, dated 9-25-2018, Version 2.4 in the amount of \$150,000, sourced from Inflow and Infiltration stabilization fund, seconded by Ms. Van Amsterdam, **Voted 12 – 0 – 0***

Debate:

Mr. Evans said the I-and-I stabilization fund returns an exponentially large return on this investment to the ratepayers.

Article 26 - 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

Ms. Malone stated this is a subject matter that has been brought before us at Town Meeting on a few occasions. This is a building that has some historical significance, obviously to the town of Natick. I have been working not only with the appointed group by Town Meeting but also recently met with Mass Audubon and this motion seeks an additional \$5,000 to assist in the effort of acquiring this particular property via easement from this entity. There is approximately \$25,000 that has been appropriated and the hope is with the additional \$5,000 we could bring something forward in the spring.

Questions from the Committee

Mr. Coburn asked Mr. Hayes whether some general information could be given about the type of expenses that may be covered by this \$5,000. Would it be a continuation of the administrative costs that consumed the previous \$25,000?

Ms. Malone answered the greatest expense would be a survey of the various easements on this particular lot where it sits on South Street. Those easements are still being worked out and still under review by Mass Audubon

and additionally if there is approval for this further down the road there may be other things that need to be moved including a water line. This money would assure we have the necessary money for any survey work to be completed.

Mr. Coburn replied it sounds like this is scoped for the foreseeable work and for a specific milestone anticipated for Spring Town Meeting not as something that might be funding things beyond then.

Ms. Malone confirmed this is correct and said she has had direct, very conversations with Mass Audubon very recently. I have stated the town's desires I've listened to their desires as well. They have expressly indicated they need more time. They do have a subCommittee at a governance level that needs to review the information. After the governance work has been completed, it will then be returned to their full board that meets again in December. Therefore, given the timeframe that we have to work with here for Town Meeting and given their commitment to this it is our recommendation that this is a prudent amount to provide the necessary leeway to continue.

Ms. Collins said that when you acquire easements, one normally has to do survey work. Am I to understand anything that is not needed for that will be left over towards some plan in the future, however the plan may materialize and if it's not needed eventually it would be returned back? **Ms. Malone** answered correct.

Mr. Linehan stated as full disclosure I was an original member of the Sawin House Study Committee whose recommendation was overruled by the Town Meeting. The way I read this motion it looks like the \$5,000 plus the \$25,000 previously authorized is to acquire easements to access and used as the former Sawin house property including vehicular pedestrian access and egress, use of septic system, vehicle parking, maintenance and removal of trees and drawing water from a well and that the above amount be raised through Free Cash. It appears the \$30,000 would be sufficient to do that list of things stated here, is that correct?

Ms. Malone answered there are two things; one is again, the acquiring of these easements that require a survey on this particular parcel. The survey is less than conventional in the since of where the house sits, where the road sits and other variables that are involved with this. That work could be anywhere; we have estimates of between \$8,000 and \$15,000. Additionally, in negotiations with Mass Audubon we wanted to ensure because of their time for their meeting and our spring meeting that we have sufficient appropriations. To Ms. Collins' point should the money not be needed it would obviously not be spent but we wanted to basically have if we did need the money in order to effectuate this we didn't want to have to wait again and chasing the various board meetings.

Mr. Linehan said, at the bottom of the paragraph of this motion there is a list of stuff that says "to acquire easements not to do necessary stuff to eventually acquire easements". The money and the previous money are to acquire easements including a list of things. Will \$30,000 get us the easements with vehicular access and egress, pedestrian access and egress, for the use of the septic system, for vehicle parking, for removal of trees, drawing water from a well and everything in that last paragraph?

Ms. Malone answered it is sufficient to do everything in that paragraph, however with respect for, example of the well, there is a water line that goes into the house and then into a utility shed. The wording on this is appropriate for this that it would allow for us to continue the negotiations on a timely fashion assuming we have everything completed with Mass Audubon, I can't speak for them.

Mr. Linehan said there was a point where Mass Audubon when they were cooperative and then there was a point they felt they were being abused. Are Mass Audubon and the town in a mutually respectful mode now?

Ms. Malone replied yes.

Mr. Coburn moved to recommend favorable action on subject matter on Article 26, the motion distributed by Town Administration, 9/25/2018 version 1 in the amount of \$5,000, seconded by Mr. Linehan, Voted 12 – 0 -0

Debate

Mr. Coburn stated that, dollar-for-dollar, this is the most important thing the town can do. It's an incredible opportunity and trust that has been handed to us by sheer luck of our location which includes way under-recognized and way under-developed historical research site and asset. I am very impressed how this is being done on shoe string.

Mr. Linehan stated I support this; no matter what we ultimately end up dealing with the Sawin House itself, this is a very appropriate appropriation that will support reconstruction of the house, support a memorialization of the house or anything in between. I think it's a good thing and useful no matter what.

Ms. Wollschlager wanted to take a moment to thank the Town Administrator for taking an interest in the Sawin House and hopefully to moving the negotiations with Audubon forward. As my colleague said sometimes it is tricky dealing with them and just wanted to remind everyone that there is a deadline where this has to be done by the end of the year or at least that is what has been stated and hope things can get negotiated and wrapped up quickly.

Article 32 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements

Mr. Ted Fields, CED

Ms. Terri Evans, Member, Planning Board

Proposed Motion

Motion A:

MOVE to amend **Section 200 - DEFINITIONS** of the Natick Zoning Bylaws replacing the existing definition of 'Affordable Housing Units' with the following:

"Affordable **Dwelling Units**: Dwelling units which meet all the requirements of Affordable Housing. Affordable rental units shall be priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of Median Income."

and by inserting new definitions for 'Buildable Land', 'Eligible Household', 'Fee-in-lieu-of Units', 'Initial Rent of an Affordable Dwelling Unit', 'Initial Sales Price of an Affordable Dwelling Unit', 'Median Income', 'Phased or Segmented Housing Development', 'Residential Project', 'Residential Project (2-5 units)', 'Residential Project (6 or more units)' and 'Total Development Cost' as follows:

"**Buildable Land**: A parcel or parcels of property for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw. "

"**Eligible Household**: For affordable rental units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. For affordable ownership units, a household whose total

income does not exceed 70% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. “

“**Fee-in-lieu-of units:** The fee paid to the Natick Affordable Housing Trust in-lieu of the construction or provision of affordable units in Residential Projects with two (2) to five (5) dwelling units, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project. “

“**Initial Rent of an Affordable Dwelling Unit:** The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of seventy percent (80%) of monthly Median Income. “

“ **Initial Sales Price of an Affordable Dwelling Unit:** The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates,

calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income. “

“ **Median Income:** The income set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston- Cambridge- Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development. “

“**Phased or Segmented Housing Development:** A Residential Project containing dwellings on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Housing Project. “

“**Residential Project:** Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick’s Inclusionary Zoning Bylaw. “

“**Residential Project (2-5 units):** Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with two (2), three (3), four (4) or five (5) dwelling units. “

“**Residential Project (6 or more units):** Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with six (6) or more dwelling units. “

“**Total Development Cost:** The sum of all costs for site acquisition, relocation, design, engineering, environmental testing and remediation, demolition, construction and equipment, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this bylaw.”

“**Unregulated Dwelling Units:** Dwelling units that do not meet all the requirements of Affordable Housing, either for rental or homeownership.”

Motion B:

Replace, eliminate, or modify the following sections within the Natick Zoning Bylaw that relate to minimum affordable housing requirements, affordability requirements, affordable housing provisions, and/or other affordable provisions/requirements (either local or related to 760 CMR 56) through the following:

MOVE to amend the definition of ‘Residential Use 4.*’ in Section III-A.2 – USE REGULATIONS SCHEDULE of the Natick Zoning By-Laws, **by replacing the words “provided that at least 10% of the total number of dwelling units, or such greater percentage as may be specified elsewhere in this By-Law are Affordable Dwelling Units.” with “subject to and compliant with the provisions of Section V-J.”, replacing the word “Housing Units” with “Dwelling Units” and replacing the word “A” with “P+”, so that the pertinent portion of Section III-A.2 – USE REGULATIONS SCHEDULE now reads:**

RESIDENTIAL USE	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
4. * Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses, subject to and compliant with the provisions of Section V-J.	O	P+	O**	P+	A	O	(*)	O	O	O	O

Motion C:

MOVE to amend the Natick Zoning By-Laws, as follows:

In Section III-A.6.A.3 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP), by:

- replacing the words “Affordable Housing Units” in the first paragraph with the words “Affordable Dwelling Units”.
- inserting, after the word “alternatives,” in the first paragraph, the words “consistent with the provisions of Section V-J of this bylaw and”
- replacing the figure “10%” in the table with “15%, consistent with the provisions of Section V-J”.

- replacing the words “Income Eligible Households” in the table with the words “Eligible Households, consistent with the provisions of Section V-J”,
- replacing the words “be used for Affordable Housing” in the table with the words “the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J”,
- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph b) with the words “Eligible Households”,
- replacing the words “Affordable Housing Units” following “development as” in the seventh paragraph with the words “Affordable Dwelling Units, consistent with the provisions of Section V-J” and
- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph c) with the words “Eligible Hou
seholds” so that Section III-A.6. A.3 now reads:

“3- Provided that additional units are granted by the Planning Board under the foregoing provision then Affordable Dwelling Units shall be provided in any one of the following alternatives, subject to approval of the Planning Board:

- A) By Donation to the Natick Housing Authority.....A minimum of 15%, consistent with the provisions of Section V-J **
- B) B) By Sale to the Natick Housing AuthorityA minimum of 15%, consistent with the provisions of Section V-J **
- C) By sale directly to Eligible HouseholdsA minimum of 15%, consistent with the provisions of Section V-J **
- D) By cash payment to the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J ***

*Notes: * = % of total units in development, rounded up to the next whole number*

*** = Amount is determined by professional valuation methods as the equivalent value to the units which otherwise would have been provided within the development as Affordable Dwelling Units, consistent with the provisions of Section V-J.*

a) Units to be donated to the Natick Housing Authority are subject to the approval of the Natick Housing Authority, and of the applicable federal or state funding agency.

b) Units set aside for sale to the Natick Housing Authority shall be offered at prices which do not exceed the greater of: (i) the construction costs of the particular units, or (ii) the current acquisition cost limits for the particular units under applicable state or federal financing programs. If the Natick Housing Authority is unable to purchase the set-aside units at the time of completion, the units shall be offered for sale to Eligible Households.

c) Units set aside for sale directly to Eligible Households shall be offered only to those households which qualify or meet the definition of Eligible Household.”;

and in Section III-A.6. A.4 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by adding after the words “moderate income households” in the second sentence the words “, consistent with the provisions of Section V-J of this bylaw.”, and removing the third, fourth and fifth sentences, so that Section III-A.6. A.4 now reads:

“4- Each affordable unit created in accordance with this section shall have limitations governing its resale. Such limitations shall have as their purpose to preserve the long-term affordability of the unit and to ensure its continued availability to low or moderate income households, consistent with the provisions of Section V-J of this bylaw. Such restrictions may also provide that the Natick Housing Authority shall have a prior right of purchase at the price determined according to the restriction for a period of thirty (30) days after the unit is placed on sale. Notice of any proposed sale shall be given to the Planning Board and to the Natick Housing Authority.”;

and in Section III-A.6. A.5 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) of the Natick Zoning By-Laws by replacing in the first sentence the words “for a period of six (6) months from the date of first offering for sale, be offered on a 50%-50% basis,” with the words “, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw.”, and removing the second, third and fourth sentences of this section, so that Section III-A.6. A.5 now reads:

“5- Affordable Units to be offered for sale under the IHOP provisions shall be offered to residents of the Town of Natick and to persons employed within the Town of Natick, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw.”;

and in Section III-A.6. A.6 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by replacing the words “Affordable Housing Units” in each instance where the term appears in the section with the words “Affordable Dwelling Units”, and replacing the term “Affordable Housing” with “Affordable Dwelling Units”, so that Section III-A.6. A.6 now reads:

“6- In addition to any requirements under Site Plan Review, the Special Permit, or Subdivision approval, an applicant must submit a development plan acceptable to the Planning Board plan indicating how the parcel could be developed under the underlying zoning (i.e. a baseline plan). Any bonus granted shall be calculated from the baseline plan. The development plan showing the bonus units shall also indicate the proposed Affordable Dwelling Units, which must be dispersed throughout the parcel to ensure a mix of market-rate and Affordable Dwelling Units. Affordable Dwelling Units shall

have an exterior appearance that is compatible with, and to the extent that is possible, indistinguishable from the market rate units in the development. Affordable Housing Units shall contain at least two (2) bedrooms and shall be suitable as to design for family occupancy. The owners of Affordable Dwelling Units shall have all of the rights and privileges accorded to market rate owners regarding any amenities within the development.”;

and in Section III-A.6. B.1 –HOUSING OVERLAY OPTION PROGRAM (HOOP) –

PURPOSE by replacing the words “Income Eligible Households as defined in 760 CMR 56” in each instance where the term appears in the section with the words “Eligible Households”, and inserting after the words “in a manner consistent with” in the first sentence the words “both the provisions of Section V-J and” so that Section III-A.6. A.6 now reads:

“1. PURPOSE

The purpose of this Housing Overlay Option Plan is to create overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to Eligible Households in a manner consistent with both the provisions of Section V-J and the character of the downtown area. In order to encourage utilization of the Town’s remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to Eligible Households.”;

and in Section III-A.6. B.8 –HOUSING OVERLAY OPTION PROGRAM (HOOP) –

AFFORDABILITY by replacing the words “The Planning Board shall adopt rules and regulations regarding” in the second sentence with the words “The provisions of Section V-J of this bylaw shall govern” and by replacing the words “Affordable Housing Units” in each instance they occur with the words “Affordable Dwelling Units”, by adding after the words “employees of the Town of Natick” the words “consistent with the provisions of Section V-J” and by replacing the words “permitted under the Massachusetts General Laws and as approved by the SPGA” with the words “, consistent with the provisions of Section V-J”, so that Section III-A.6. A.6 now reads:

“8. AFFORDABILITY

a) Affordability shall be determined in accordance with the definition of Affordable Housing found in Section 200. The provisions of Section V-J of this bylaw shall govern the sale or rental of all Affordable Dwelling Units. Unless otherwise regulated by a Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Dwelling Units shall be initially offered to residents and/or employees of the Town of Natick consistent with the provisions of Section V-

J. Residency and employment in Natick shall be established through Town Clerk certification.

b) All Affordable Dwelling Units shall be maintained as such in perpetuity, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms, consistent with the provisions of Section V-J.”;

and, in Section III-D.1.d USE REGULATIONS FOR LC DISTRICTS, PERMITTED

USES, by replacing the words “provided however that at least ten percent (10%) of the total number of units are Affordable Housing Units;” with the words “subject to and consistent with the provisions of Section V-J of this by-law.”, so that subsection III-D.1.d now reads:

“d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law.”;

and, in Section III.E.2.b.1 DOWNTOWN MIXED USE DISTRICT, USES ALLOWED BY

SPECIAL PERMIT ONLY, by replacing the phrase “ii) for projects with 3 to 6 total units at least 10% of the units are Affordable Housing Units; for projects that are 7 to 20 total units, at least 15% of the units are Affordable Housing Units; and, for projects that are 21 or more total units, at least 20% of the units are Affordable Housing Units;” with the phrase “ ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and”, so that Section III.E.2.b.1 now reads:

“1. Multi-family dwellings, provided that:

i) the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;

ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and

iii) the total number of multi-family units shall not exceed the number computed by taking the:

a. Gross Land Area of the parcel times the Maximum Percentage Building Coverage

b. multiplied by the number of floors in the building

c. multiplied by the portion of the Gross Floor Area attributable to residential uses in the building

d. divided by the Gross Floor Area in the building, and

e. divided by 2,500

And, in Section "III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS"

replace in its entirety the paragraph entitled "AFFORDABILITY" before the Subsection Title "III-1.F TOWN HOUSE CLUSTER DEVELOPMENT", with the words "AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall comply with the provisions of Section V-J.", so that subsection III-F now reads:

"III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall be subject to and consistent with the provisions of Section V-J of this by-law.";

and, in Section III-5. F.6 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-

NUMBER OF DWELLING UNITS by replacing the words "At least ten percent (10%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein." in the second sentence with the words " , subject to and consistent with the provisions of Section V-J of this by-law.", so the sentence now reads,

"The maximum number of dwelling units allowed in a CCD shall equal the "Net Usable Land Area" within the parcel divided by 15,000 square feet then rounded to the nearest whole number, subject to and consistent with the provisions of Section V-J of this by-law.";

and, by replacing Section III-5.F.10 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-AFFORDABILITY, in its entirety and replacing it with the words:

"10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, subject to and consistent with the provisions of Section V-J:

a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.", so that III-

5.F.10.a now reads:

"10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, subject to and consistent with the provisions of Section V-J:

a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.”;

and, **by replacing Section III-I.2.6 INDEPENDENT SENIOR LIVING OVERLAY OPTION PLAN - AFFORDABILITY REQUIREMENTS**, in its entirety with the phrase **“AFFORDABILITY REQUIREMENTS: The Applicant shall make provision for affordable housing by complying with all the requirements of Section V-J.”**, so that the Section now reads:

“2.6 AFFORDABILITY REQUIREMENTS: The Applicant shall make provisions for affordable housing by complying with all the requirements of Section V-J.”

and, in the first sentence of Section III-I.8 ASSISTED LIVING RESIDENCES - AFFORDABILITY REQUIREMENTS, **by replacing the phrase “the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$75 multiplied by the total number of square feet of area in living units in the ALR. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.” with the phrase “the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”**, so that the Section now reads:

“8. Affordability Requirements: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”

and, in Section III-J.3 – Historic Preservation-Permitted Uses, **by inserting the phrase “, subject to and consistent the provisions of Section V-J:” after “the following additional uses”** so that the subsection now reads:

“3. Permitted Uses. Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special

permit to allow the following additional uses, subject to and consistent the provisions of Section V-J:

1. Town Houses;
2. Apartment House;
3. Home Occupation/Customary Home Occupation

And, in Section 323.3 HIGHWAY OVERLAY DISTRICTS - Certain Multifamily Residential Uses, by inserting after the phrase “* Affordability Requirements” in the third paragraph the words " All development in a Highway Overlay District, shall be subject to and consistent with the provisions of Section V-J," so that subsection 323.3 Certain Multifamily Residential Uses now reads:

“In the RC district, hotels, motels, assisted living facilities, Elderly Family Residences* may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and non-residential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw.*

The provisions of Section 323.1.9, and not this section, shall be applicable to a mixed-use development, including the residential component, in a Regional Center Mixed-Use Development.

** Affordability Requirements: All development in a Highway Overlay District, shall be subject to and consistent with the provisions of Section V-J, unless a determination has been made satisfactory to the SPGA that living units of the assisted living facilities, Assisted Living Residences and Elderly Family Residence do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD).”*

And, in Section V-E.3 WAIVERS AND MODIFICATIONS – Limitations and Restrictions, by inserting after the phrase “sky exposure plane” in the first paragraph the words ", except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J."; by inserting after the phrase “considered separately” in the second paragraph the words ", except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J." and by inserting after the phrase “and/or waived” in the sixth paragraph the words ", except for the provision of

dwelling units required and/or allowed under with the requirements of Section V-J." so

that subsection V-E.3 Limitations and Restrictions now reads:

3. Limitations and Restrictions

a. No increase greater than 10% shall be allowed in any of the following regulatory factors: height, building coverage, lot coverage, number of units, any density measure, or sky-exposure plane, except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J.

b. No decrease of more than 10% shall be granted in any of the following regulatory factors: open space requirement, landscape surface ratio, front yard setback, rear yard setback or side yard setbacks. Side yard setbacks shall each be measured and considered separately, except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J.

f. Modifications and or waivers granted in order to allow a grant of additional density or intensity in compliance with i) Section 9 of MGL Chapter 40 A and ii) specific authorizations in other sections of this zoning by law shall not be subject to these strict limitations and restrictions above. However, any regulatory factor that is modified or waived in order to accommodate a grant of additional density or intensity shall not be further modified or waived to exceed the limitations and restrictions above. If any regulatory factor exceeds the above limitations and restrictions in connection with a grant of additional density or intensity, such regulatory factor shall not be further modified and/or waived, except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J.

Motion D:

MOVE to amend the Natick Zoning Bylaws by inserting a new section entitled “Section V-J. Inclusionary Affordable Housing Requirements” after “Section V-I. Outdoor Lighting”, so that Section V now reads:

“SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

V-J.1 Purpose and Intent:

The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and 760 CMR 56 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth’s Department of Housing and Community Development (DHCD). Definitions for Affordable Dwelling Unit and Eligible Household can be found in the Definitions Section.

V-J.2 Applicability of Mandatory Provision of Affordable Units

A. In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-24 and 760 CMR 56:

1. Any Residential Project, including Phased or Segmented Housing Developments, that results in a net increase of two (2) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
2. Any Residential Project involving subdivision of land for development of two (2) or more dwelling units; and
3. Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services, unless a determination has been made satisfactory to the SPGA that living units of the life care facility do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).

V-J.3 Special Permit:

The development of any Residential Project set forth in Section V-J.2 (above) shall require the grant of a Inclusionary Housing Special Permit from the designated Special Permit Granting Authority (SPGA) for the zoning district in which the Residential Project is located.

If the development of a Residential Project set forth in Section V-J.2 is allowed By-Right in the zoning district in which the Project is located, the Applicant may elect to develop said

Project under an Inclusionary Housing Special Permit according to the provisions of Section J.4.B. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special Permit shall be as defined in Section VI of the Town's zoning bylaw.

V-J.4 Mandatory Provision of Affordable Units:

A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements:

1. At least fifteen (15) percent of the units in a Residential Project on a division of land or multiple unit development subject to this bylaw, rounded up to the nearest whole number **and exclusive of additional dwellings allowed under Section V-J.4.B**, shall be established as affordable housing units in any one or combination of methods provided for below:

a) constructed or rehabilitated on the locus subject to the Inclusionary Housing Special Permit (see Section V-J.5) in Residential Projects with six (6) or more net new dwelling units; or

b) constructed or rehabilitated on a locus different than the one subject to the Inclusionary Housing Special Permit (see Section V-J.6) in Residential Projects with six (6) or more net new dwelling units; or

c) an equivalent fee-in-lieu of units may be made (see Section V-J.7); or

d) An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.

2. As a condition of approval for an Inclusionary Housing Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units developed under a combination of requirements described in Section V-J.4.A.1 (a) - (d) may consist of a mix of housing types, except as provided for below:

a) In Residential Projects consisting entirely of single-family dwellings, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d)

offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.

b) In Residential Projects, including Phased and Segmented Developments, which result in a net increase of two (2) to five (5) dwelling units, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section V-J.4.A.1 requirements (c) and consistent with G. L. c. 40B sect. 20-24 and 760 CMR 56.

Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project

Type

Residential Project, type:	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
<i>Multi-family dwellings, or mix of single and multi-family dwellings (Projects with 6 or more units)</i> Section V-J4.A.1	<ul style="list-style-type: none"> a) Provision of Affordable unit(s), on site b) Provision of Affordable unit(s), off-site c) Provision of fee-in-lieu of units payment d) Provision of buildable land
<i>Single-family dwellings only (Projects with 6 or more units)</i> Section V-J4.A.2 (a)	<ul style="list-style-type: none"> c) Provision of fee-in-lieu of units payment d) Provision of buildable land
<i>Single or multi-family dwellings (Projects with 2-5 units)</i> Section V-J4.A.2 (b)	<ul style="list-style-type: none"> c) Provision of fee-in-lieu of units payment

3. As a condition for the granting of an Inclusionary Housing Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the SPGA and the Inspector of Buildings.

B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, or any other Residential Projects that are allowed By-Right in the zoning district underlying their location, that yield an increase of two (2) to five (5) net new dwelling units the SPGA may allow the addition of one (1) Unregulated Dwelling Unit as part of compliance with the

Inclusionary Housing Special Permit process outlined in Section V-J.4.2. For Residential Projects consisting entirely of single or two-family homes, or that are allowed By-Right in the zoning district underlying their location, that yield an increase of six (6) or more net new dwelling units the SPGA may allow the addition of two (2) Unregulated Dwelling Units for each Affordable Dwelling Unit provided as part of compliance with the Inclusionary Housing Special Permit process outlined in Section V-J.4.1. The SPGA may modify minimum lot sizes and any other intensity or density regulations, except height, normally required in Section IV.B in the applicable zoning district, to a maximum increase or decrease of 35% on a cumulative basis, calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one Affordable Dwelling Unit provided as part of compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A. The SPGA may place conditions on the number of bedrooms and other characteristics of additional Unregulated Dwelling Units permitted as part of compliance with the provisions outlined in Section V-J.4.A.

Example 1: An Applicant can build a Residential Project on a subdivision with five homes by-right in an RSA zone. Under V-J.4B, that Applicant could request an Inclusionary Housing Special Permit, under which they could build six homes (the original 5 units + 1 bonus unit) and make a payment to the Natick Affordable Housing Trust as specified in Section V.J.7.

Example 2: An Applicant can build a Residential Project on a subdivision with twenty homes by-right in an RSA zone. Under V-J.4B, that Applicant could request an Inclusionary Housing Special Permit, which would require three (3) homes designated as Affordable Dwellings, but would allow a total of twenty-six homes (20 units + 6 bonus units) to be developed on the site.

V-J.5 Provisions Applicable to Affordable Housing Units On- and Off-Site:

A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall comply with the requirements for Local Initiative Units as specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.

C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

D. Pricing of Affordable Units. The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall be equal the number of bedrooms in each Affordable Unit plus one (1).

E. Local Preference. Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered, in the following priority, to:

1. Persons who currently reside within the Town of Natick;
2. Persons whose spouse, son, daughter, father, mother, brother, or sister currently reside in the Town of Natick;
3. Persons who are employed by the Town of Natick or by businesses located within the Town of Natick;

F. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

G. Condominiums. Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.

H. Legal Review. All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

V-J.6 Provision of Affordable Housing Units Off-Site:

A. As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5. B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Inclusionary Housing Special Permit review and approval process.

V-J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units:

A. Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost calculated as: $0.125 \times \text{Initial Sales Price of an Affordable Dwelling Unit of identical size (in terms of average number of bedrooms)}$, calculated according to the provisions of Section V-J.8, and shall be payable in full prior to issuance of a final occupancy permit. The SPGA may annually adjust the acceptable value of the fee in-lieu-of units according to maximum income levels established by the Commonwealth's Department of Housing and Community Development.

Example 3: An Applicant proposes a Residential Project with four two-bedroom homes under an Inclusionary Housing Special Permit. Under V-J.4A.2.b, the Applicant would be required to pay a fee to the Natick Affordable Housing Trust equal to (4 dwellings x 0.125 x Initial Sales Price for an Affordable two-bedroom Dwelling Unit) as specified in Section V.J.4.A.2 (b)

1. The SPGA may reduce the applicable fee-in-lieu-of unit(s) charge by up to fifty percent (50%) for each dwelling in a housing development with initial rents or sale prices that are affordable to households earning 81-120% of Median Income, calculated according to standards of the Department of Housing and Community Development (DHCD), and in compliance with the household size provisions of Section V-J.5.D of this bylaw.

2. Schedule of fees-in-lieu-of-unit(s) payments. Fees-in-lieu-of-unit(s) payments shall be made according to the schedule set forth in Section V-J.5.C, above.

V-J.8 Maximum Incomes and Selling Prices: Initial Sale: A. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.

B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), Local Initiative Program or as revised by the Town.

V-J.9 Preservation of Affordability; Restrictions on Resale:

A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.3). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.

1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section V-J.9.A, above.

2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

3. The SPGA shall require, as a condition for Inclusionary Housing Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying

restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2 above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

V-J.10 Conflict with Other Bylaws/Ordinances:

The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.

V-J.11 Severability:

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw.

Mr. Fields: Last fall, Town Meeting requested that CED assist the Planning Board's working group in drafting a comprehensive inclusionary zoning bylaw amendment. The inclusionary zoning working group met four times throughout the winter and the spring to come up with the language, based on the Massachusetts model statute for an inclusionary zoning bylaw. The Planning Board held three hearings on the bylaw to date. The Planning Board opted not to bring this bylaw before 2018 Spring Town Meeting because it wanted to tweak the language to address compliance issues with MGL c. 40A § 6. We made those adjustments and included them in the motions that you have before you. We validated with Town Counsel that these bylaw changes are compliant with MGL. The Planning Board met last Thursday to review this and will meet on September 26 to formally vote on this bylaw amendment. The dark areas in Motion D are in response to recent revision requests from Planning Board members. I'll hand off to Ms. Evans, who will walk you through the thought process of the working group.

Ms. Evans: As members of the fc will remember, the Planning Board has discussed putting together a comprehensive inclusionary bylaw, in no small part, to foster the funding of affordable housing and trying to avoid having dense clusters of affordable housing, rather than finding ways to diversify funding sources and geographically distribute unit creation. This has come to a head in town with the concentration of several large scale affordable housing developments, particularly in West Natick. The inclusionary zoning working group included Glen Glater and me from the Planning Board. We were particularly interested in working to develop a model that encouraged development of affordable housing a few units at a time. More often than not, there are opportunities for having smaller numbers come on board. The benefits are that it may be less intrusive in neighborhoods and creates more of a sense of scale commensurate with the surrounding neighborhood. We sought to spread the responsibility for creation of affordable housing and to have different types of affordable housing available, not solely in multi-family units. People in need of affordable housing come in all types of sizes and many of those sizes are not best served in multi-family units.

Mr. Fields provided an overview of the four motions and said that they work together in complementary fashion to insert inclusionary zoning into our bylaws. Motion A inserts definitions related to inclusionary zoning bylaw. Motions B and C remove the language on inclusionary zoning in the existing bylaw and replaces them with Motion D which is the centralized inclusionary zoning bylaw for affordable housing

amendment. This would be in a new proposed section V-J, after the existing Outdoor Lighting section of the zoning bylaws. It starts out with a purpose and intent and moves into the applicability and then moves into the special permit requirements, and then the mandatory provisions of affordable units language. The crux of the inclusionary zoning is that any residential project that results in two or more “net new” units could potentially trigger Motion D. For example, if you had a single-family dwelling and added two more dwelling on property that allowed this, that would be two net new units. Similarly, if you had vacant land that you propose to develop an apartment building with eight units, the inclusionary bylaw language would kick in. This is also applicable to projects that have multiple phases in that each phase is subject to the inclusionary zoning bylaw. It also includes subdivisions of single family homes under certain circumstances, certain elderly housing complexes defined by the Massachusetts Department of Housing and Community Development (DHCD) as covered by MGL c. 40B. The inclusionary zoning requirements are triggered by a special permit for any housing development that produces two “net new” housing units. In such developments, at least 15% of the units have to be affordable units as defined in the state’s subsidized housing inventory. This bylaw provides a range of ways to reach those requirements - it allows units to be built on site as part of the overall development, allows them to be constructed off-site, provide fees in lieu of units at the discretion of the Planning Board, or the provision of buildable land of the equivalent value at the discretion of the Planning Board. Single family projects are exempt from the requirement to provide units on-site or off-site may provide either money or land to the affordable housing trust fund. For small single family developments (2 – 5 units) are only required to pay fees to the Affordable Housing Trust fund, not provide units. If they provide “workforce housing”, units that are affordable to middle income families (81% - 120% of median area incomes), their fees to the affordable housing trust fund are cut in half. The thinking behind this was to encourage development of middle income units that weren’t specifically targeted by inclusionary zoning under c. 40B. Developers who re-develop and create two “net new” units could be applicable at the discretion of the applicant who could seek an inclusionary zoning special permit in exchange for a density bonus of one extra unregulated units for small 2-5 unit projects in exchange for fees in lieu of units paid to the Affordable Housing Trust. For larger development projects with six or more units the density bonus would be two unregulated units for every one regulated affordable unit required under the bylaw. Further on in the bylaws are minimum design standards and construction and quality standards for affordable units to ensure that they should be indistinguishable from market value units and distributed as randomly as possible through projects, not concentrated in one discrete area. There’s a table on page 16 that is straight from the state bylaw that states that you cannot build the affordable units last, the affordable units and the market rate units must be build concurrently. Moving on, there are more details about providing units off-site. In sections 6 and 7, the formula to calculate fee-in-lieu-of-units is provided. That calculation is based on a state calculation that is updated yearly by the Department of Housing and Urban Development income guidelines so we can lessen the administrative load on the Planning Board or other bodies to update this fee schedule. In round terms, the fee for a 1BR single family home would be around \$27K and the fees for a 4BR single family home would be about \$36K, with 2BR and 3BR homes between those figures. Section 8 follows state law in setting initial sale prices and maximum income. Section 9 specifies the preservation of affordability upon re-sale of homeowner units. Sections 10 and 11 are boilerplate sections from the state guidance to deal with conflicts with other bylaws and separability. On page 15, section B, under the density bonus provision, the additional units have an overall size and density restriction based on

the maximum lot coverage in the applicable zoning district where they are developed. In the DM district, we put the requirement that the affordability percentage is 20% for developments of a certain size (was 15%).

Mr. Hayes said that Mr. Fields is passing out copies of the updated motion that includes updates from the Planning Board review. The changes that are new today are those with the white text and dark highlighting, on pages 13, 15 & 16.

Questions from the Committee:

Mr. Hayes asked if the Planning Board discussed this article and took a vote.

Ms. Evans answered that they reviewed the article with the changes before you tonight with a vote of 5 – 0 – 0.

Mr. Coburn asked what, other than compliance with state inclusionary zoning laws, is included in these definition of affordable dwelling units. Mr. Fields said the definition of affordable dwelling units at the 70% standard to preserve affordability was adopted, based on the standard promulgated by DHCD.

Ms. Evans noted that there are some specific definitions that are not included that were part of the Smart Growth overlay project (the Modera project) that was a 40R project. Those were mandated by the state, so there are some embedded definitions in that section of the zoning bylaws that are unique to that section and required by the state to exist as standalone items.

Mr. Coburn asked if through passage of the inclusionary bylaw would enable us to access particular sources or grants to foster creation of affordable dwelling units. Mr. Fields said that adoption of the inclusionary bylaw doesn't get additional funding per se, but it may improve the position of the town to obtain grant funding from the state should it become available.

Ms. van Amsterdam: Can the inclusionary zoning bylaw be used by an elderly couple who have almost fallen to the poverty level who were approached by a relative and urged to increase the size of their home, such that the elderly couple could live in an in-law apartment with the relative in the rest of the house. And, where there is a couple that needed assistance, had a relative who meets the eligibility requirements for affordable housing to live in an apartment. Mr Fields said that it depends on the homeowner's situation. Did you discuss this scenario and was inclusionary zoning helpful. Mr. Fields said it depends on the exact situation of the homeowner: if they have a house and want to carve out a small unit within the footprint of that house, that would not trigger inclusionary housing because it would only be a net addition of one unit. If they had a vacant lot and they wanted to develop a two-family house on that property, if that was allowed by zoning in that district, that is allowed by right and they could apply for an inclusionary housing special permit if they wished. If they needed a special permit to develop those two units, the inclusionary special permit would automatically kick in and they would have to pay a fee to the affordable housing trust fund. Ms. Evans added that, in the current bylaws, there has to be a familial relationship between the two parties in the house. I've talked to Mr. Errickson

about this – suppose an existing house that adds an in-law apartment and the in-laws eventually pass away, what happens to that unit? Right now, it cannot simply be rented out legally. The question is whether we should have a policy discussion about whether that provides an opportunity for taking that existing unit and saying you can use it legally if you designate it as affordable housing. That’s a little down the track but the direction we’re moving.

Mr. Linehan: On pg. 15 at the top, if it says that it’s a single dwelling and then has a project with two units, that sounds like adding a unit to an existing dwelling. Mr. Fields said he would amend that to read “single-family or multi-family dwellings” to eliminate the confusion.

Ms. Evans said if someone had a very large piece of land and they were carving it up into lots and putting two or more houses on it, those would be a single-family development that is creating two net new units and would trigger the inclusionary zoning.

Mr. Linehan: On the table on page 3, is there a reason for saying “not less than” instead of “not fewer than”?

Mr. Fields stated that this is the current language used in the rest of the zoning bylaws.

Mr. Linehan asked if a developer is building condominiums with a combination of 1, 2, and 3-bedroom condos. Is there anything that precludes a builder from using the one bedroom units as the only affordable units?

Mr. Fields said the DHCD requires a range of units to be included in the subsidized unit inventory. We don’t have a specific mandate to provide a range of units. The working group and the affordable housing Committee debated how deeply they wanted to go into the specifics of the inside of these units in the bylaw.

Ms. Evans stated that c. 40B has a requirement for similar ratios and Mr. Fields agreed to incorporate that same language into this section.

Mr. Linehan asked about severability on pg. 19 of the motion. The initial sale is based on the income level of the buyer of the affordable unit. As that property appreciates over time, you need to maintain the percentage discount off the property value.

Mr. Fields noted that he took the resale text directly out of the state’s model bylaw. Since it was acceptable to DHCD, we chose not to amend it.

Mr. Linehan asked for confirmation that the initial purchaser can re-sell the unit as long as that person sells it to someone who qualifies for affordable housing.

Mr. Fields stated that resale values are governed by state marketing guidelines that we must follow. He stated that a pool of homeowners is screened by a state monitoring agent and a lottery of eligible buyers is conducted. So, the homeowner cannot directly sell the affordable unit, that person must have the sale go through the state monitoring agent.

Ms. Collins asked what the status of the housing production plan is.

Mr. Fields said the affordable housing trust is getting quotes to update the 2012 affordable housing plan and intend to finish the update within the next year.

Ms. Collins asked about fee-in-lieu of units appears to only be determined based on sales. What happens when it isn't a sales situation, for example, a rental?

Mr. Fields said, in terms of valuing the fee, it's based on what a household that was buying that unit could afford so it references the sale to determine the value.

Ms. Collins noted that in the Initial Rent of an Affordable Dwelling Unit section, there is a typo it states that "charges shall not exceed thirty percent (30%) of seventy percent (80%) of monthly Median Income. " 80% should be 70%. Mr. Fields will correct this.

Ms. Collins said that "residential project" is defined differently in the Smart Growth Overlay (SGO) district. Is the residential project definition going into the rest of the zoning bylaws or are they only applicable to inclusionary zoning? My concern is that we're using the same definition to mean two different things in the bylaws.

Ms. Evans that it was intentionally different and read from the SGO section of the zoning bylaws "a project that consists solely of parking and accessory uses as further defined in Section V.I" When you go to Section V-C.5.1, it says that residential project within an SGO district may include single-family, two-family, three-family residential use, parking requirements, and accessory uses. SGO districts are designed for transit-oriented development. Ms. Evans suggested using the definition appears in section III.A.6.c as the definition since it's the SGO definition.

Ms. Collins stated that residential project as defined in the inclusionary bylaw includes non-residential things. I don't see anything in the inclusionary zoning bylaw that prohibits non-residential uses in residential districts. For example, in RSA, I don't see anything in the inclusionary bylaw that says you can only do a mixed-use in an area that allows mixed-use because you're defining it here is a residential project.

Ms. Evans replied that inclusionary zoning yields to the underlining zoning in the district – you cannot put a multi-family in a single family zoning district. I'm comfortable that this is correct, but we will re-verify. What is the use of P+ in a PCD district? In the Use Regulations Schedule (III-A.2) the plus sign denotes "+ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD".

Ms. Collins: On Motion D, in numerous locations we refer to MGL c. 40B § 20-24. It should be § 20-23 since § 24 refers to the composition of MAPC. Mr. Fields said they thought they had made this change, but will make this correction. Ms. Collins suggested that they review other citation references to ensure their accuracy. Within the density bonus section, section V-J.4.B, we refer to V-J.4.A (typo will be corrected to V-J.4.A.2). Further down, it says "for each Affordable Dwelling Unit provided as part of

compliance with the Inclusionary Housing Special Permit process outlined in Section V-J.4.1.” (this will be corrected to V-J.4.A.1).

Ms. Collins: In V-J.4.1.d) it states “An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.” It would be helpful if you referred to where the value determination is defined, because otherwise you wonder how much buildable land needs to be provided.

Ms. Collins: In V-J.4.A.2, it says “As a condition of approval for an Inclusionary Housing Special Permit, the SPGA may specify to an Applicant the combination of requirements”. Why did we use the word “may”? Mr. Fields said the inclusionary working group wanted to preserve maximum flexibility for the Planning Board.

Ms. Evans added that using “shall” would mean that this was the only thing that could be done. We wanted to preserve the flexibility to do what’s best for the town’s interest. For example, the town could say “we have lots of money, we really would like to have the land”.

Mr. Fields added that it also gives the applicant a little flexibility in that they might want to do fee-in-lieu of payments or provide land to the Affordable Housing Trust for xyz reasons, and this gives the Planning Board the ability to accommodate that.

Ms. Evans stated that this came from the Affordable Housing Trust in the case where there might be a development with \$1 million houses and it would be far less useful to have affordable housing within that development than it would be to have that might be able to provide three affordable units of a lesser size.

Ms. Collins went on to question why they couldn’t provide those units in a different location.

Ms. Evans replied that, by getting the money or the land, it gives that Affordable Housing Trust the right to choose what they want to do with the money, i.e., acquire property where the Affordable Housing Trust might choose. The original draft had single-family homes included but was removed because Affordable Housing Trust’s argument was compelling, stating that it would be more difficult for a family qualifying for affordable housing to be able to maintain that house in that area. The Affordable Housing Trust made it clear that they would prefer to be in the position of identifying housing that can be added to the affordable housing inventory, rather than have a developer say instead of giving you the \$1 million, I’m picking out these units – how about those? The provision of buildable land can be one of the lots in the same area as the \$1 million homes.

Ms. Collins contended that this would allow whole sections of town not to include affordable housing due to sheer economics.

Ms. Evans said, that for the time being, that’s the case. However, this puts in place a mechanism by which we can secure land, funds, and, in some cases, secure units. The next step is to talk about how small-scale affordable housing can be deployed more evenly geographically.

Ms. Collins: In the table that goes with V-J.4, first entry in the table, I'm wondering about the rationale for single-family dwellings versus multi-family dwellings. Having worked on article 52, which required affordable housing through much of the town, at least in areas where multi-family was a possibility. The testimony of the Planning Board and the CED Director under the ALOOD and ISLOOP articles in Spring 2017 Town Meeting consistently said that "off-site units and cash-in-lieu of buildable land weren't as useful because when they measure the town on its 10% affordable housing units, cash in the bank or a vacant piece of property doesn't help". In addition, off-site units may end up clustered in certain areas of town.

Ms. Evans said that the Affordable Housing Trust found it almost unhelpful. For example, if you're a builder in Residential-B, which has a 40,000 sq. ft. lot requirement, and they offer one lot where you can build a more modest house. It's more valuable to the town if the developer gives the town the proceeds to acquire more units. When we pulled Article 52 from Spring 2017 Town Meeting because it wasn't clear what could be required for developers putting up single family homes under MGL c. 40 §6, that limited our options. Ms. Evans stated further that this falls short of the ideal diversity of housing options throughout the town, but this creates a funding stream for the creation of affordable housing that the changes in article 52 did not. Article 52 required units, but anyone building anywhere else go away scot free without contributing to units wherever they are. This article deals with single-family development that is the least efficient use of land, since land being consumed by single-family homes is what continues to make housing less affordable. The cost of land is the driving cost in housing construction. This bylaw assigns a cost to the development of single-family homes that, at this point, is optimal in the creation of the maximum number of units that the Affordable Housing Trust and the CDAC tell us they need most.

Mr. Errickson said this was his comment at 2017 Spring Town Meeting where I noted that cash-in-lieu was less desirable was in the context of multifamily developments, where cash-in-lieu, from my perspective, is less preferred because I'd rather have the units to diversify that multiunit project. In the case of the inclusionary zoning bylaw, the "cash-in-lieu-of" option primarily focuses on single family projects and many of the single family projects tend to be in the higher end of the market, the larger-scale units. If the builder is building \$1.2 million houses in South Natick, having a unit there isn't generating the most bang-for-the-buck for the town and I would adjust my comment based on this. That said, I firmly believe that multifamily developments should have affordable units within that development.

Ms. Collins noted that, in the table, multi-family has the most options, with the agreement of the SPGA.

(**Mr. Fields** confirmed, and **Ms. Evans** noted that two of those options are the provision of units.

Ms. Collins said that her recollection was that the only time they did provision of off-site units was with Natick Mall (**Mr. Errickson** confirmed). At that point, there was a "goose-up", where they had to do X # of units if you do it on-site and Y # of units if you do it off-site. Is there any provision like this in this bylaw?

Mr. Fields stated that the calculation was the same whether on- or off-site in this bylaw.

Ms. Evans stated that there is a parity provision in the bylaw.

Mr. Fields said that the parity provision is in section V-J.6.A. it states “As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5. B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Inclusionary Housing Special Permit review and approval process.”.

Ms. Collins suggested that this would apply to the requirements of sections V.J.5 and V.J.6.

Ms. Evans agreed and suggested that V-J.6.A be modified to eliminate “As an alternative to the requirements of Section V-J.5,” to read “An application subject to this bylaw...”.

Ms. Collins: One of the new changes you’ve recommended is in DMU on page 13, that 20% of the units of a project with more than 31 units. The current bylaw specifies 21 units. What’s the rationale for the change? Mr. Fields said testimony from the development community that the 20% of units for 21 units is not economically workable, but were amenable to an increase to 31 units.

Mr. Hayes asked where that feedback was provided to CED.

Ms. Evans said that the working group had asked CED staff to meet with and interview various developers and builders in town to review the provisions of this bylaw to ensure that the provisions of this bylaw were workable for the builders and developers.

Mr. Fields offered to provide a copy of this feedback to the Finance Committee if needed.

Ms. Collins: In fall 2016 and spring 2017, Town Meeting made very clear that it wanted to limit waivers and modifications to 10%. Section V-3.e of the zoning bylaws states “Modifications and or waivers granted in order to allow a grant of additional density or intensity in compliance with i) Section 9 of MGL Chapter 40 A and ii) specific authorizations in other sections of this zoning by law shall not be subject to these strict limitations and restrictions above.” I’m trying to understand why the inclusionary zoning bylaw might be

Mr. Fields stated that the only time that existing waivers or modifications have to be modified for the purposes of inclusionary housing is section 4.B, the density bonus. In the case of a subdivision or single-family housing development where you are allowed a certain number of lots under existing zoning, you get additional bonus lots, but the dimensional boundaries have to be modified to allow those extra lots. We limit extended waiver provision to 35% for that limited circumstance, to allow the SPGA to modify minimum lot sizes and other density regulations to a maximum decrease of 35%.

Under V-J.3, it says that all affordable housing should be subject to and affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA”. It wasn’t clear to me whether these were permanently restricted. Mr. Fields said that the next sentence states that it must meet the DHCD guidelines that require permanent affordable housing designation.

Ms. Collins stated that previously, there was a 30 year restriction until these affordable units could fall off the rolls of affordable units. Ms. Evans stated that the working group’s rationale was that they were

tracking the requirements of DHCD – if they change the requirement, this would not necessitate a change to our inclusionary zoning bylaw.

Mr. Coffey: In case of assisted living facilities, does this have any provision to provide affordable units?

Mr. Fields: DHCD considers independent living elderly affordable units to count to the subsidized housing inventory of the town. Those types of units would be similar to the 62+ development being constructed on Route 9 & Speen Street and those fall under this bylaw. DHCD is having trouble determining affordability for assisted living units with services rolled into their housing provision, and have not provided any guidance on whether those type facilities can be included in inclusionary zoning.

*Ms. Collins moved to postpone review of this article until date designated by Chairman (probably October 9, 2018), seconded by Mr. Linehan, **Voted 12 – 0 – 0.***

Debate:

Ms. Collins requested postponement of consideration of this article until the Finance Committee receives a clean copy of the article reflecting the changes reviewed tonight. My understanding is that the Planning Board is taking this up tomorrow night.

Ms. Evans said that the Planning Board kept its public hearings on the warrant articles open, so this would be further review of those articles. We typically do this in case the Finance Committee review requires changes to be made.

Article 36 - Amend Zoning By-Laws: Outdoor Lighting

Ms. Terri Evans, Member, Planning Board

Proposed Motion:

DRAFT
2018
08 31

2018 FALL ANNUAL TOWN MEETING

Article 36

Amend Zoning By-Laws: Outdoor

Lighting (Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to provide regulation of pole-mounted lighting.

Or otherwise act thereon.

ORIGINAL

5. LAMPS

Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI) as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.

6. HOURS OF OPERATION

Outdoor lighting shall not be illuminate between 11:00 pm and 6:00 am with the following exceptions: if the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half-hour after the activity ceases; low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 pm and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

REVISED (REDLINE)

5. LAMPS

a) Color: Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI) as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.

b) Height of Luminaire: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.

6. HOURS OF OPERATION

Outdoor lighting shall not be illuminated between 11:00 pm and 6:00 am with the following exceptions: if the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an

activity, normal illumination shall be allowed during the activity and for not more than one half-hour after the activity ceases. ~~; low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 pm and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.~~ Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.

Presented by Ms. Terri Evans, Member, Planning Board

Ms. Evans said this article aims to amend the Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to restrict the height of pole-mounted lighting in parking lots to twenty feet into amend the hours of operation. The language being added says "Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA." This takes forward a long-standing practice of the Planning Board that we use on car parking lots into the Natick Zoning Bylaws. It specifies parking lots, but also notes parking fields used to store or display motor vehicle inventory. I also included reference language in the definition section of those articles to show that this doesn't include street lights, traffic lights, & public safety lighting.

Questions from the Committee

Mr. Linehan asked whether a bigger issue might be the light spreading from the light.

Ms. Evans said this is known as "*light trespass*" and said that one of the challenges with newer fixtures, particularly LEDs, we have a horizontal cutoff required, and require a baffle in the back to prevent light trespass. One of the challenges, and this is where height becomes an issue, is that it's easier and easier to see the face of the luminaire". The higher they are, the farther away you can see them. Controlling the height may mean more fixtures sometime, but it's more beneficial in terms of controlling not only light trespass but the face of the fixture itself. For any special permit, we require a certified estimate of the footcandle illumination of the parking field. When the lights were put in at the Natick High School, you could stand almost on Route 135 and see them. You weren't seeing the light hitting the ground; you were seeing the face of the fixtures. The town is known as a town of hills and sometimes that means you see the fixtures and that exacerbates the problem. We have the mechanism for covering spread already in the bylaws.

Mr. Linehan specified the Verizon building at the Oak Street and Route 9 intersection and said that the light shines right in the eyes of drivers. This light is wall-mounted. Would this bylaw help with that?

Ms. Evans said that it would not because this bylaw doesn't cover wall-mounted fixture. However, if a wall-mounted figure is a safety problem, you should flag it for Community Development. In most cases, businesses aren't located so close to the road that wall-mounted light fixtures cause this type of problem.

Mr. Linehan asked about car dealership's vehicle safety.

Ms. Evans replied that this would allow security lighting and noted that the language, with the exception of the last phrase in that sentence, is taken from the International Energy Conservation Code (IECC) 2015, a standard that the Commonwealth of Massachusetts accepts.

Ms. Wollschlager asked whether this applied to people requesting a special permit only or for all others.

Ms. Evans specified that the definition of outdoor lighting in the Natick Zoning Bylaws is “The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts but shall not apply to: one and two family dwellings on lots on which they are the principal use, or street lighting, lights that control traffic or other lighting for public safety on streets and ways.”

Ms. Wollschlager asked whether this would affect any existing businesses and require them to retrofit lighting.

Ms. Evans said that if the business, through its own initiative, wants to change its lighting, the Planning Board may propose that they lower their light poles at the same time to bring them into compliance with the bylaw. I don’t know whether any of you noticed. But when the 9-27 shopping center was being rebuilt, the light poles were limited to twenty foot height and they put up twenty-six foot poles. The light poles were removed and twenty-foot poles were installed. So, the next time they’re making an improvement that requires lighting change, they will come before the Planning Board and we will suggest that they take this approach when they do so. When the business is making that change, they’ll be applying for a building permit and to building Commissioner would flag it because it’s covered by a special permit.

Ms. Collins - The current Zoning Bylaws includes a definition for HEIGHT OF LUMINAIRE: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire. Is this additional?

Ms. Evans said that they are putting it under section 5 because this applies specifically to luminaires that are pole-mounted for the purposes of illuminating a parking field.

Ms. Collins moved Favorable Action on the motion on NovusAgenda, dated 9-20-2018, seconded by Ms. Van Amsterdam, Voted 12 – 0 – 0

Debate:

Ms. Collins said, unfortunately, she has been to Planning Board meetings where the Planning Board is trying to promote a reasonable standard, and the proponent says that it isn’t specifically stated in this Zoning Bylaws. This will prevent this from happening in the future.

Article 37 - Amend Zoning By-Laws: Signage (Residential Zoning Districts)

Proposed Motion

2018 FALL ANNUAL TOWN MEETING

Article 37

Amend Zoning By-Laws: Signage (Residential Zoning Districts) (Planning Board)

Move to amend the Town of Natick Zoning Bylaws to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, or exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions by modifying **Section V-H, Section D.1(a)** (*Signs and Advertising Devices: Regulations and Restrictions Applicable to Use Districts – Residential (RS, RM, RG, and PCD), Accessory Signs*) as follows:

To amend Section V-H.D.1(a)2 (Other Allowed Uses)

By adding “by variance, or pre-existing uses,” after the phrase “by Special Permit” By adding “uses” before the phrase “exempted in MGL Chapter 40A, Section 3”

So that Section V-H.D.1(a)2 shall read as follows:

“V-H. SIGNS AND ADVERTISING DEVICES

D. REGULATIONS AND RESTRICTIONS APPLICABLE TO USE DISTRICTS

1. Residential (RS, RM, RG, and PCD)

(a) Accessory Signs

2. Other Allowed Uses: For those uses that are permitted as of right, by Special Permit, by variance, or pre-existing uses, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions, there may be one such sign for each lot. This may include a standing sign.

a. Dimensions: Such sign may not exceed fifteen (15) square feet in area and may be no more than ten (10) feet in height.

b. Illumination: In addition to complying with Illumination regulations in Section V-H.C.1, such sign may not be internally lit.

Ms. Evans said that she is trying to capture in the bylaws the best practices that the Planning Board follows. The Planning Board sponsored this article in spring 2018, but it was suggested that language be added. Due to the tight wording of the article, I could not make that addition within the four corners of the article, so I promise to bring it back to 2018 Fall Annual Town Meeting.

Questions from the Committee: None

Ms. Collins moved Favorable Action on the motion found in the questionnaire dated 9-20-2018 on NovusAgenda, seconded by Ms. Van Amsterdam, Voted 12 – 0 – 0

Ms. Collins moved to close the public hearing on 2018 Fall Annual Town Meeting, seconded by Ms. Van Amsterdam, Voted 12 – 0 – 0.

OLD BUSINESS

Mr. Hayes stated we are getting public record requests although our rate is not as high as others which are good. We have received our first two OML complaints for failing to provide records in a timely manner. We must be very diligent about following up on meeting law. I sent members an email about device usage during our sessions so please be careful about that.

We are in need of scheduling an executive session of this Committee based on my consultation with Town Counsel because it's the best and only way for a Committee to respond to the complaints. We need to discuss the subject matter of the complaint, the subject matter of the response and we can do that in Executive Session but we must meet as a Committee. The options for scheduling are next Thursday, October 4th, however it would have to be in front of Town Meeting if they meet and there are a certain number of days we can do it. We must have a quorum of the total members to be there. We already earmarked something for October 9th but I am going to send out a pole to members with more than a few dates on it including non Tuesdays and Thursdays and would ask members to respond as quickly as possible. We have to have a response in the mail by the evening of October 12th.

Mr. Coburn asked what the exclusion for holding this as Executive Session is. Is there a current or threatened litigation?

Mr. Hayes replied he would send members the answer in an email and would include what the agenda is and what the executive session exclusions are. I believe there are ten things and we would fall typically under the category one or two and one of them would be strategizing on subject matter related to possible litigation.

Ms. Van Amsterdam what documents has required a need for this Executive Session?

Mr. Hayes replied there was a failure to provide a document that was requested under a public records request in a timely manner. We missed the deadline to send a set of meeting minutes.

Ms. Collins motioned to adjourn, seconded by Mr. Gallo, Voted 12 -0 – 0



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

Town of Natick Finance Committee

Meeting Date: October 9, 2018

The minutes were approved through the following action:

Motion:

Made by:

Seconded by:

Vote:

Date:

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

October 9, 2018

Natick Town Hall

School Committee Meeting Room, Third Floor

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

Dirk Coburn	Lynn Tinney	Cathi Collins
Dave Coffey	Bruce Evans	Patrick Hayes
Mike Linehan	Robert McCauley	Philip Rooney
Linda Wollschlager	Dan Sullivan	Jim Scurlock

MEMBERS ABSENT:

Kristine Van Amsterdam	David Gallo	Jeff DeLuca
------------------------	-------------	-------------

MEETING AGENDA

- 1. Public Concerns/ Comments**
 - a. Resident and Taxpayer Concerns and Comments
- 2. Meeting Minutes**
 - a. Review & Approve the September 11, September 20, September 25, and October 4, 2018 meeting minutes
- 3. New Business**
 - a. Executive Session – to discuss receipt of and response to Open Meeting Law Complaint – under purpose 1 (receipt of complaint against a public body)
- 4. 2018 Fall Town Meeting Warrant Articles - Public Hearing**
 - a. [Article 1 - FY '19 Omnibus Adjustments](#)
 - b. [Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit](#)
 - c. [Article 31 - Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street](#)
 - d. [Article 32 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements](#)

- e. [Article 38 - 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](#)
- f. [Article 40 - Amend the Town of Natick By-Laws: Create New Committee](#)
- g. [Article 42 - Technical Changes to Charter and By-Law](#)

Mr. Hayes speaking 7:08 p.m.

Order of agenda for tonight: Meeting Minutes review will be done at the end. Under new business we will not have Executive Session because we took care of business last Thursday, October 4th. Under Fall Town Warrant public hearing we will not need to hear Article 1 because we dispaTown Counselled that last week. We will hear in order, Articles 31, 38, 42, 28, 32 and 40.

Announcements

Mr. Linehan announced a flu clinic is being held tomorrow at the Community Senior Center for all residents from 10:00-12:00 and 5:00-7:00. Applications will be available so the Board of Health can be reimbursed from your insurance company. More information and applications are available under the Board of Health town website.

Mr. Evans moved to open the 2018 Fall Town Meeting Warrant Article public hearing, seconded by Ms. Collins, Vote 12 – 0 – 0

Article 31 - Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street

Mr. Hayes advised that the Board of Selectmen through Town Administration has not reached any substantive ouTown Counselome with people they are in negotiations with and still in Executive Session. The likelihood of the Finance Committee coming together sometime between now and end of Fall Town Meeting dissolving is small so the **Chair** has told the sponsors that he is going to be moving a referral back to the Board of Selectmen for this Article so we have a positive motion for Town Meeting. I would entertain that motion and only that motion.

Ms. Collins moved referral on subject matter on Article 31 to the Board of Selectmen, seconded by Mr. Evans, Vote 12 – 0 – 0

Article 38 – Amend Natick Town Charter; Natick Town By-Laws Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23

Mr. Hayes reminded those that heard this Article the first time we postponed to this evening in part to allow the sponsor, Mr. Munich to have an opportunity to spend some time with the Town Administrator, Town Council and **Chair** of the Finance Committee which we did on September 25th. There was a meeting of the minds between the sponsor and Town Council, on some things there was agreement and others

disagreement. The sponsor went back to his co-sponsor and after discussions decided at this point they will request a referral to the sponsor and not seek any other action on the floor at Town Meeting during the Fall Town Annual meeting.

Ms. Collins moved referral on subject matter on Article 38 to the Sponsor, seconded by Mr. Evans, Vote 12 – 0 – 0

Article 42 – Technical Changes to Charter and By-Laws

Mr. Hayes stated the sponsor has requested no action.

Ms. Collins moved no action on subject matter on Article 42, seconded by Mr. Evans, Voted 12 – 0 – 0

Article 28

Proposed Motion

Motion A: (Requires two-thirds vote)

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 (IROD)”

and

following **Section III-K.2 – Adult Use Marijuana Establishments** by inserting a new section, **Section III-L – Indoor Recreational Overlay District**, as follows:

“Section III-L – Indoor Recreational Overlay District

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit.
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; and
 - c. The indoor amusement and/or recreational uses shall be limited to an FAR of .10.

Motion B: (Requires two-thirds vote)

Move to amend the Town of Natick Zoning By Laws

by inserting in the list in Section VI-DD 2.A Special Permits a) after the words "Retail Marijuana Overlay (RMO)" the following words: "Indoor Recreational Overlay District (IROD)"

and further by inserting in the list in Section VI-DD-2B. Site Plan Review Applicability and SPGA Designation a) after the words "Retail Marijuana Overlay (RMO)" the following words: "Indoor Recreational Overlay District (IROD)"

Motion C: (Requires two-thirds vote)

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.

This Article was first heard in January 2018 and we heard the revised Article on September 25. The Planning Board met last Wednesday to discuss it. **Mr. Hayes** asked Mr. Richards to summarize the discussion with the Planning Board and where you are with your motion which has been provided to members.

Mr. Richards: This Article is designed to create an indoor recreation overlay district with the same standards that are in the bylaw now in that 1) the building must be insulated and designed to contain noise and 2) the building had to be not less than 100 feet from a residential district. After meeting with the Planning Board, members were particularly concerned about the 0 Tech Circle property that my client is interested in. They were concerned that the indoor recreation use would consume most of this 4.5 acre property and jeopardize the rest of the property from being used for a potential biotech or other industrial usage. There are two changes: 1) we took out any reference to the industrial zone, so it's an overlay district that can be applied anywhere. Right now are seeking to apply it on an industrial zone parcel, but it could be used elsewhere. 2) The Planning Board requested the limit of .10 FAR of the building for indoor recreational use. In this particular case, my client is looking to construct a volleyball facility and the .10 FAR works. He wants to build a 120' x 90' building, or 13,000 ft.². However, the client is considering putting on the second floor which would increase the FAR ratio that might put him over the .10 FAR ratio. The Planning Board approved this motion 4 – 0 – 1, with the addition of III-L.2.c "the indoor amusement and/or recreational uses shall be limited to an FAR of .10." The member who abstained did not specify their reason for abstaining. I expressed concern that the existing buildings up there are over .10 FAR. However, most of those properties were approved on variance, so are not subject to this requirement since they are still operating under this variance. The Planning Board wanted to allow other industrial uses to allow for mixed use sites and not have the recreational use overburden the industrial use and take it away from potential future industrial use.

Questions from the Committee:

Mr. Linehan asked what the .10 FAR limitation means in an industrial zone. Mr. Richards said FAR is traditionally applied to permitted lot size. In this case, industrial zones do not have FAR limitations. These limitations and in an industrial zone are intensity regulations – building coverage, setbacks, eTown Counsel. as to how intense the construction is permitted on that property. The remaining .90 FAR is not completely available for industrial use because of these intensity regulations.

Mr. Linehan asked for confirmation that if the indoor recreational use was .10 FAR, the industrial use on that site would be limited to an additional .25 FAR, for a total of .35 FAR of building coverage (Mr. Richards concurred).

Mr. McCauley asked whether the Zoning Bylaw places limits on what they consider “recreational use”. It’s up to the Building Inspector to determine whether a recreational use complies with the Zoning Bylaw In the Use Regulation Table.

Mr. Richards noted that that with the passing of the Adult Use Marijuana Establishments section of the zoning bylaw, the numbering in his previous motion changes to “**Section III-K.2 – Adult Use Marijuana Establishments** by inserting a new section, **Section III-L – Indoor Recreational Overlay District**, as follows:...” **Mr. Hayes** suggested that we take this as a friendly amendment, and nothing was different from the motion received on October 4, 2018 that was sent out to the Finance Committee.

Article 28, Motion A

Mr. Sullivan moved to recommend FA on Article 28, Motion A, as printed on October 4, 2018 with the numbering change from III-K.1 to Section III-K.2, seconded by **Mr. Evans**, **Voted 12 – 0 – 0**

Mr. Sullivan said that he was glad that we’re now at a point where we can move forward on this. I know that the neighbors of 0 Tech Circle were supportive of this use and somehow it became a more complicated issue. If someone were to ask me where the recreational zone is in Town, I would say it’s in this area. I appreciate that the potential developer stuck with it and will locate it at 0 Tech Circle.

Mr. Evans said this is a win-win since it fills another vacancy in the industrial zone and gets another taxpayer for the Town and the Planning Board preserves its .10 FAR so that the industrial lots aren’t overburdened and could be configured to allow multi-purpose use, and the neighbors will probably like that as well.

Ms. Wollschlager said that the .10 FAR doesn’t recognize that this really is a recreational zone and that we might have more benefit to attract these types of businesses, rather than have it be a traditional industrial area. I will vote for it, but in the future, I hope that when other projects become known that we might be open to changing this.

Article 28, Motion B

Mr. Sullivan moved to recommend FA on Article 28, Motion A, as printed on October 4, 2018, seconded by **Ms. Wollschlager**, **Voted 12 – 0 – 0**

Debate:

Ms. Wollschlager wanted to echo what **Mr. Sullivan** said earlier on Motion A – that it's about time this was approved.

Article 28, Motion C

Mr. Sullivan moved to recommend FA on Article 28, Motion C, as presented on October 4, 2018, seconded by **Mr. Evans**, **Voted 12 – 0 – 0**

Debate:

Mr. Evans asked for confirmation that the zoning map lot numbers were verified with the Planning Board. Mr. Richards confirmed.

Article 32

Mr. Ted Fields, Senior Planner, Community and Economic Development Dept. (CED)

Ms. Terri Evans, Member, Planning Board, participant in Inclusionary Zoning Bylaw study committee.

This Article on inclusionary zoning bylaw was continued from a September 25, 2018 hearing. Lenders had identified a number of errors and possible corrections to the Article. A draft of the revised Article 32 was sent out to members on September 27, following the review of the changes at the Planning Board meeting on September 26.

Mr. Fields walked the Finance Committee through the proposed changes.

The revisions that were made are best seen in the redlined version.

Page 1 – added “earning” to the definition of Affordable Dwelling Unit and corrected the incorrect percentages in eligible household you want d (80%) and initial rent of an affordable dwelling unit (70%)

Page 2 – Added the text “This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C.” to the definitions of residential project, residential project (2-5 units) and residential project (6 or more units).

In Motion D:

- P 12, V-J.1 Purpose and Intent – corrected incorrect MGL citation to “**GL Sec. 20-23**”
- P 13, V-J.2 Applicability of Mandatory Provision of Affordable Units– corrected incorrect MGL citation to “**GL Sec. 20-23**”
- P 14, V-J.4 .A.2 Mandatory Provision of Affordable Units: Change “At least twenty (20) percent of the units in a Residential Project on a division of land or multiple unit development with **thirty (30)** or more units in the Downtown Mixed Use district subject to this bylaw,...”
- P. 14, d), “Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section **V-J.4.A.1** requirements (c) and consistent with G. L. c. 40B **sect. 20-23** and 760 CMR 56.
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single-family dwellings only (Projects with 6 or more units) Section V-J4.A.**3** (a)
- P 14, Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type, Single **family** dwellings or multi-family dwellings (Projects with 2-5 units) Section V-J4.A.**3** (b)
- P 15, V-J.4.4 “The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, **shall ensure that affordable units are affordable in perpetuity, and shall** ensure that affordable units can be counted toward the [Town]’s Subsidized Housing Inventory.

- P 15, B. Density Bonus. For Residential Projects consisting entirely of single or two-family homes, “...as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**, and “as part of compliance with the Inclusionary Housing Special Permit process outlined in Section **V-J.4.A.1.**”
- P 16, Provisions Applicable to Affordable Housing Units On- and Off-Site: V-J.5.A. “Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated proportionately within the development so as not to be in less desirable locations than **unregulated** units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the **unregulated** units. “
- P 16, V-J.5 B. Minimum design and construction standards for affordable units. **All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.** Affordable housing units shall be integrated with the rest of the development, **shall be proportionately distributed in terms of unit size/type** and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall **contain, at a minimum, complete living facilities including a stove, kiTown Counselhen cabinets, plumbing fixtures, a refrigerator, microwave oven, and access to laundry facilities.”**
- P 17, V-J.6 Provision of Affordable Housing Units Off-Site:, delete first sentence A. **~~As an alternative to the requirements of Section V-J.5,~~**
- P 18, V-J.8.1.B “B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), as **specified in the guidelines for the Local Initiative Program**, or as revised by the Town.
- P 19, P 18, V-J.9.A “A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section **V-J.4.A.4**).
- P. 11, **Mr. Evans:** another scrivener’s error, please correct the open parenthesis around DHCD at the top of the page.

Questions from the Committee:

Mr. Linehan: On page 16, it looks like there is inconsistency between “All affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction standards for Local Initiative Units...”and “Affordable housing units, shall be proportionately distributed in terms of unit size/type and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units **Mr. Fields** said that the Design and Construction standards provide a floor and he questioned the DHCD person about this language and they said their reading of compatible is “roughly comparable”. For example, you don’t have to have granite countertops, but each kiTown Counselhen should have functional countertops.

Ms. Wollschlager asked about the concept of “four doors” where people living in affordable units had to go through a separate entrance and NY passed a law outlawing that practice. **Mr. Fields** said there is

nothing in this bylaw that specifically addresses that provision, but the working group's intention was not to have separate entrances. **Ms. Evans** added that affordable units are dispersed throughout a building rather than segregated in one area of the building and that is something that is aspired to when the affordable housing lottery takes place. Further, not a single developer has signaled that they would require access restrictions. **Mr. Fields** added that when DHCD adds properties to the affordable housing list, they monitor to ensure that units are dispersed as uniformly as possible throughout the project. Since the inclusionary housing requires a special permit, I'd be very surprised if the Planning Board allowed a discrete entrance only for affordable dwelling residents.

Ms. Collins said that she examined bylaws from a number of other communities and wondered if you would consider adopting the language that the Town of Beverly uses. "inclusion on-site units must be comparable to market rate units in exterior building finishes and construction quality and energy efficiency, including mechanical equipment, plumbing, windows, insulation, and heating and cooling system. However, inclusion units may have different interior finishes and features, provided that such interior finishes are durable, of good quality and consistent with contemporary standards for new housing. The Planning Board reserves the right to consult with the building Inspector to verify the durability and quality proposed to require changes to better achieve comparability." **Ms. Evans** said that she would like to talk with the Town's Sustainability Coordinator and Building Commissioner about how energy standards are enforced across buildings.

Ms. Collins said throughout Motion D, you focus on MGL c. 40B, § 20-23 and 760 CMR 56. I'm trying to understand how they work with the inclusionary zoning bylaw, because these items deal with comprehensive permits. There are many places where you say consistent with MGL c. 40B, § 20-23 and 760 CMR 56. For example, in V-J.2.A, it says "In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-23 and 760 CMR 56:" The state inclusionary zoning bylaw references these sections and it's designed to link types of units created to those sections of MGL and the CMR so that units created under this bylaw are eligible to be included in the state subsidized housing inventory under the Local Initiative Units. **Ms. Collins** noted that her reading of this is that the first paragraph indicates that MGL c. 40B, § 20-23 and 760 CMR 56 mandate provision of affordable units.

Ms. Collins asked whether developers are either 40B comprehensive permit or inclusionary bylaw. **Mr. Fields** said that if the developer is going to develop under a comprehensive permit, they have to approach the ZBA for a comprehensive permit. This bylaw allows these units to be included in the SHI as defined by MGL c. 40B, § 20-23 and 760 CMR 56 through the Local Action Program, and they're eligible for a Local Action Program through a Town action, namely, through the granting of an inclusionary housing special permit.

Ms. Collins asked for reference linkage from this section to Section 108, Purpose of Affordable Housing Development Program.

Ms. Collins said, under 40B, a developer can put a development anywhere, regardless of whether residential is permitted there. I don't see anywhere in this proposed bylaw where we limit where this inclusionary zoning can go. It looks as though it's available in all zoning districts and overlay districts. **Mr. Fields** said that the use regulation tables address this concern. **Ms. Collins** noted section V-J.10 states "The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply." **Ms. Evans** asked whether, striking the phrase "in all zoning districts and overlay districts" in V-J.2.A Applicability of Mandatory Provision of Affordable Units would clarify this. **Ms. Collins** agreed that this would address this concern.

Ms. Collins In the definitions section, Residential project (p. 2 of motion) is defined as "Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw." **Ms. Evans** said that is the definition of "Residential Project" is part of the overall Zoning Bylaw and is applicable to the Inclusionary Bylaw section of the Zoning Bylaw.

Ms. Collins asked under what circumstances could the Planning Board deny a special permit specific to inclusionary housing. **Mr. Fields** said the Planning Board could deny the special permit if any of the conditions specified in the inclusionary zoning bylaw are not met, in V-J.4 or V-J.5, for example.

Ms. Evans said that V-J.3 states "If the development of a Residential Project set forth in Section V-J.2 is allowed By-Right in the zoning district in which the Project is located, the Applicant may elect to develop said Project under an Inclusionary Housing Special Permit according to the provisions of Section V-J.4.B. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special Permit shall be as defined in Section VI of the Town's zoning bylaw." **Ms. Collins** questioned whether this would include the criteria to evaluate the special permit application because it says "procedure for the Special Permit shall be as defined in Section VI..." **Ms. Evans** stated that the procedure will include a review of the criteria and offered to confer with Town Counsel about this and to see whether they would read it more narrowly.

Ms. Collins stated that the proposal is to raise the affordable units, Town Counsel. to 15%. Why did you increase it to 15%. **Mr. Fields** said that CED spoke to developers about the 15% figure. Half thought it was too high; half said it was acceptable. The Affordable Housing Trust felt that 15% was a good balance between the statutory requirement of being higher than 10% required for 40B and a higher standard of 20% that would extend affordability to more people in the Town. We felt this was a good balance to ensure that developers would continue to develop in Town. At present, affordable housing is at 10.4%.

Ms. Collins: Getting back to V-J.10, the sample language offered by the state doesn't use "*supersede*", but says "*the more restrictive would govern*". **Mr. Fields** said that the version he used (from 6 months ago) had supersede in it, although it may have changed to this language in a newer version.

You mentioned that some developers were concerned that current levels were too high. Mr. Errickson told us that there was anecdotal evidence that density limits were hindering development, but the objective of this inclusionary zoning bylaw says that the density limits aren't hindering development. **Mr. Fields** said that he believed JE was talking about hearing from three or four developers who were looking to purchase properties in the DMU district who chose not to pursue acquisitions because of the affordability provisions in Article 52 last fall.

Ms. Collins: In Density Bonus, what is included and excluded when calculating FAR in a single-family residential district? I'm looking at the Density Bonus section where it states "*provided that the Floor Area Ratio of all such units in the subject Residential Project not exceed 250% of the Maximum Lot Coverage permitted in the applicable zoning district under Section IV.B.*". **Mr. Fields** said that this is a new provision for projects with bonus units. We're calculating FAR using the definition in the Zoning Bylaw without changes; there is not a different definition for inclusionary zoning.

In the Density Bonus section, what does the term "all such units" mean? **Mr. Fields** said it refers to all the units in that particular project, both regulated and unregulated. **Ms. Collins** noted that in commercial districts, stairwells and bathrooms are excluded from the calculation of FAR. **Mr. Fields** replies that it's calculated as gross floor area ratio divided by lot area, the same definition used in the overall Zoning Bylaw.

In Section V-J.4.B, Density Bonus what do you mean by "*all such units in the subject residential project not exceed 250% of the maximum lot coverage*". The reason that I ask is that in the example, you state that it cannot exceed 250% for both regulated and unregulated units. **Mr. Fields** said all units in the entire project, both regulated and unregulated. **Mr. Fields** noted that the Planning Board intended to ensure that there be some control on the massing of each dwelling placed on each new lot, so the FAR cannot exceed 250% in any of the units, individually and in total. **Mr. Fields** suggested that we modify it to read that each unit not exceed 250% of the FAR, individually as well as in total.

Ms. Collins: In 2017 Spring Annual Town Meeting, Town Meeting specifically approved the language at the top of the bonus density section "*The SPGA may modify minimum lot sizes and any other intensity or density regulations, except height, normally required in Section IV.B in the applicable zoning district, to a maximum increase or decrease of 35% on a cumulative basis, calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A,...*" Right now those limits are 10%, why do you think 35% is necessary? **Mr. Fields** said they calculated it as the most change that's required to allow the extra bonus units to fit in to the residential project under these density bonus provisions, which are necessary if by-right units are to call under this inclusionary Zoning Bylaw. This gives the Planning Board the flexibility to amend downwards by up to 35% minimum lot sizes and dimensional regulations, Town Counsel. This is particularly important for projects that might have a relatively small number of units of single-family or two-family homes.

Mr. McCauley: On p. 18, V.J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units, if it's .125 times the price of the affordable unit, is this applied to that individual affordable unit or all units in the residential project. For example, if the house was valued at \$200,000, then it would be \$25,000 fee-in-lieu of affordable units. **Mr. Fields** said that is applied to all units, in the case of a 5-unit residential project, it would be 5 x \$25,000, or \$125,000.

Mr. Coburn said he appreciated the willingness of the Planning Board and CED to listen and implement some of the changes suggested by **Ms. Collins**. However, that dynamic doesn't feel like a great use of the committee's time. It feels as though there is another process that should occur before we're asked to evaluate this Article. **Mr. Coburn** asked **Mr. Hayes** whether the Finance Committee could create an ad hoc subcommittee tasked with doing this work. **Mr. Hayes** said that the Finance Committee can form a committee, although this would probably fall under the Planning and Governance subcommittee because that's where the zoning bylaw stuff would go. If the Finance Committee so desired, we could create a working group to do this work also. My reaction to the first part of your question is, if one or more members have a substantial number of questions and we're going to spend a lot more time on it this evening only to get to the punch line where members are going to ask for Referral or Postponement of this motion, then I would prefer to do that now. However, if members feel that they are ready to vote this, then we should proceed.

Mr. Coburn suggested that another course of action would be for Town Meeting to create a working group for this topic. Are there reasons that this would be better handled that 2018 Fall Annual Town Meeting rather than at 2019 Spring Annual Town Meeting?

Ms. Evans said that it's been an open issue to establish a comprehensive inclusionary zoning bylaw. Every season of Town Meeting that goes by means that there are developments going forward that not only aren't creating affordable housing, but also are not contributing either lots or funds to create affordable housing. The vast majority of housing in Natick is single-family homes. Having this bylaw in place ensures that they contribute their fair share in creation of affordable housing. The pace at which construction continues to move in Natick makes me believe that adding inclusionary zoning to the Zoning Bylaw is urgently needed. I don't think the feedback from our initial meeting, as well as with the feedback provided tonight, are show-stoppers. The bylaw is better for these improvements, but this wouldn't be a substantively flawed bylaw had they gone through. As long as I've been a Town Meeting member, I have seen bylaws that have been approved that may require adjustments at future Town Meetings, and that would be ideal for the next Town Meeting. I'm very happy to take the comments made today back to the Planning Board for them to review. We continued our recommendation for Article 32 to October 17. If there are other changes that come up, we can examine them, but I would encourage the forward movement of this Article at this time. It's complicated, but it's very solid and workable.

Mr. Hayes said that he had a private conversation with **Ms. Collins** and said that she is willing to hold her remaining questions and would probably suggest a referral motion.

Mr. Linehan: On p. 15, is stated that he thought that the reference to lot should be changed to project "calculated according to the provisions of Section V-E.3, to accommodate up to two (2) additional Unregulated Dwelling Unit(s) on a lot for each one (1) Affordable Dwelling Unit in compliance with the Inclusionary Housing Special Permit process in Section V-J.4.A,...". You could put multiple dwellings on one lot, but if these are single-family or two-family, it's not a lot, it's a project site. **Mr. Fields** will replace "lot" with "project site".

Ms. Collins: p. 11, Motion C, Section V-E.3.3.b says "No decrease of more than 10% shall be granted in any of the following regulatory factors: open space requirement, landscape surface ratio, front yard setback, rear yard setback or side yard setbacks. Side yard setbacks shall each be measured and considered separately, except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J." I don't think you're just trying to change the side lots, but it should be changed to "Setbacks" to cover all setbacks.

Article 32, Motion A

Ms. Collins moved to recommend Referral to Sponsor, seconded by **Mr. Linehan**, Voted 4 – 7 – 1.
Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, Voted 9 – 2 – 1.

Debate:

Ms. Collins said that she was impressed with the improvement that I see from this spring. However, the only way I can look at zoning bylaws is as an iterative process. I have some real concerns about Motion A, that I haven't gotten to tonight, like affordable dwelling units. In the definition of Affordable Dwelling units it says "Affordable rental units shall be priced such that the rent including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household earning 70% of Median Income." My reading of DHCD regulations is that it is 38% for a single-family house. By linking it in this way, because affordable units are available to people whose income doesn't exceed 80% of the median income, it's going to be a smaller percentage for someone at 60% of the median income. The preferable way would be to use the chart that DHCD released that shows maximum rental units have to be under 70% of median income. There are a number of little things in here that build up and are the precursor to my bigger concern, Motion D. In my opinion, referring this as a package instead of doing it piecemeal is advisable to ensure that everything is tied together.

Mr. Linehan agreed that referral of this as a package was the best approach because I do think there are other parts that need to be referred.

Mr. Evans said that there was a big push to get inclusionary zoning included in the Zoning Bylaw as soon as possible. We've reviewed this twice before and it's based on the model inclusionary bylaw provided by the state. We've reviewed it again tonight and some good suggestions were made and those have been reflected in the copy that's provided to Town Meeting. In my opinion, not having this bylaw lets developers of single-family homes completely off the hook and deprives the Affordable Housing Trust of a significant revenue source that they can use to help us stay above the minimum 10% threshold for affordable housing. If you put the onus on multi family units to be the exclusive generator of affordable housing, then this Town is going to be in trouble. We will be below the 10% and where are going to get buildings that the Town doesn't want to have in Natick. We lose all control over that multi-unit housing and end up with something like Chrysler Road, which was an unfriendly 40B project. Like any legal document, the more things you look at, the more you think you can re-word it to be a little bit better. I think this achieves the intent of Town Meeting and helps us stay above the 10% affordable housing threshold, and it stops these developers from getting away scot-free. If you look at Windy-Lo, a single family subdivision is going in there. We're not sure what's going to go in on West Union Street. There are only a few places of developable land where we can help that Affordable Housing Trust get more affordable housing for Natick residents. I think we would be remiss to delay this until it is perfect.

Ms. Tinney said that she agrees that the intent of the inclusionary bylaw is to keep us ahead of the 10% affordable housing. That is what's most important, as opposed to exact verbiage and punctuation. Let's move it along.

Mr. Coburn said that the Town does need protection against falling below the 10% threshold. I've seen real improvement to this bylaw in both of our sessions and that makes me nervous. I understand the complexity of writing this bylaw but, generally, we should be approving something that's well vetted. I hope that Favorable Action doesn't let the sponsors off the hook for improving it moving forward.

Mr. Coffey said that while the goal is positive, I have trepidation with approving this. I look at the time we've spent reviewing this. One member has done a fabulous job of going through this in detail and identifying problems. It isn't advisable for this motion to get to Town Meeting to have 112 people picking at it. I'm concerned about lawyers finding loopholes to exploit in this bylaw. I suggest improving this and bringing it back to 2019 Spring Town Meeting.

Mr. McCauley said that he has a unique perspective because he does some of this as part of his day job. I know how complicated affordable housing financing can be, even in individual cases. There are two things that we have in finite amounts in Town: land and time. Everything that gets built under rules where there is no contribution to the affordable housing stock is, for all intents and purposes, gone. I will support **Mr. Evans'** motion to move forward on this.

Mr. Rooney said he will support favorable action, but didn't disagree with anything that the referral proponents have said, particularly **Mr. Coffey**. However, **Mr. Coburn** also said something that is important. This will probably need to be improved and there will be a lawyer who will pick apart the inclusionary zoning bylaw to look for an angle that can be exploited. The best thing we can do to mitigate that is to get it passed now and I to create a task force or committee to further refine it. The Town will be willing to amend this to improve it in the future. I agree that we have finite land and we are not benefiting from the development of these properties without the passage of this inclusionary zoning bylaw.

Mr. Sullivan one of the things that I've seen as a member of the Finance Committee is the great complexity of zoning. Last year a former chairman of the Finance Committee who is adept at understanding zoning brought a citizen's petition because he identified a glaring loophole in the Zoning Bylaw. I'm concerned that we can expose ourselves to unneeded risk by the passing in inclusionary zoning bylaw that's flawed. I'm a big champion of affordable housing and it pains me to push this off a little more.

Mr. Hayes said that he's comfortable, despite knowing that there are things that need to be addressed in this document, and don't know whether they are glaring and put us at risk. I received feedback from a Town Meeting member who thanked us for getting the recommendation book out on time so that he could read before Town Meeting, which means that they rely on us to help them form their opinion. If I support Favorable Action, I might not be able to help Town Meeting understand that there are some unresolved issues. However, if I support referral to the Planning Board, a bunch of other people will say this is not ready for prime time, so I'm not going to listen on the floor of Town Meeting to what may have happened from October 9 two whenever we hear it at Town Meeting because the Finance Committee book says referral to the Planning Board. Therefore, I will support the favorable action motion, but I won't support FA on the floor of Town Meeting if these motions don't incorporate a number of changes that were offered this evening and additional changes that will be provided subsequent to this meeting in the next week or two.

Article 32, Motion D

Ms. Collins moved Referral to Planning Board (Sponsor), seconded by **Mr. Coffey**, **Voted 4 – 7 – 1.**

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 8 – 2 – 2.**

Debate:

Ms. Collins noted that, in discussion of Motion A, there was discussion about lawyers. I'm not a lawyer, but am just reading the English language. The words in the Zoning Bylaw are what matters because that is all the Town has for protection. If the words aren't right, then someone will find errors because they are more familiar with Zoning Bylaw than I am. There are a number of things that I didn't go into, including words that aren't defined. For example, in Section V-J.2.A.3, it says *"Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services Elderly Family Residences don't have accompanying services."* Does that mean that Elderly Family residences are included? In my opinion, there are more policy-level decisions that need to be made such as the inability of a developer to build off-site units except if they are doing six or more on-site units in one project location. I haven't figured out yet whether we have a problem with the subdivision control law - if I have a vacant piece of land that's big enough such that I can divided into two smaller lots and put a house on each lot, this would then be required to add an additional affordable unit because it is tow "net new" dwelling units, even though you comply with all other zoning requirements. Section V-J.10 says that this section will supersede existing Zoning Bylaw and that concerns me. Thirty-five percent in waivers and modifications eliminates things like sky exposure planes, lot coverage, side-yard and rear-yard setbacks. In section V-E it says No increase greater than 10% shall be allowed in any of the following regulatory factors: height, building coverage, lot coverage, number of units, any density measure, or sky-exposure plane, *except for the provision of dwelling units required and/or allowed under with the requirements of Section V-J,"* You could, potentially have a 35' house located with a 6 foot setback. To me, good is like grenades or hydrogen bombs, they are close. One of the things that I'd still like to discuss is why we would allow developers in South Natick to buy their way out. Is there another way that we get units instead? I have serious concerns about this motion and don't believe it's in good enough shape to recommend that Town Meeting approve it.

Mr. Coffey agreed that Motion D is not ready for approval. For us to send it to Town Meeting with a favorable recommendation is irresponsible because some people who see favorable action will have the mistaken impression that this is ready and it's not ready yet. I'd prefer to have it worked on and brought back in the spring and have it sail through Town Meeting.

Mr. Evans said that this is a natural follow-on to Motion A, which provided the definitions for the inclusionary zoning bylaw. Motion D is the actual mechanism that the town uses to apply the inclusionary zoning bylaw. The Planning Board, CED utilized the state's inclusionary zoning bylaw model bylaw. We've provided them with feedback on numerous occasions and I expect that will continue. I don't think that this is a "Hail-Mary" where we throw it out there in hope that it sticks. It's based on accepted state law and modified to fit into the Natick Zoning Bylaw. To me, it's just like the Retail Marijuana zoning bylaws we passed at Special Town Meeting #2. You have the definitions and the application of the bylaw and together they work in tandem. You also give the Planning Board, through the special permit granting process, to go through the things that a given proponent wants to do. If they are out of line, then there's a debate. In my opinion, this is well thought-out and well-crafted. Over time, it can be improved. In my mind, it is good enough to get the job done for the foreseeable future.

Ms. Tinney said that she couldn't agree more. The Planning Board has done a good job combing through this. It may not be perfect, but it's perfect enough. Nothing has sailed through and I believe in the iterative process that this will improve as it is challenged. I have faith in the Planning Board that it will follow what's intended here and I don't believe that Town Meeting members take the Finance Committee's recommendations as convincing them one way or another, but provide information to help them make the decision. The known risks that we have are the 40B requirements and we are vulnerable to 40B by not having this inclusionary zoning bylaw.

Mr. Coburn said he is nervous because and gives me confidence. In this process, there have been several references to the intention in the conduct of the Planning Board and the expectation of what the Planning Board would set as terms and conditions. I also understand the importance of getting the words right because the good will and good intentions mean nothing when the Town is taken to court by a developer's lawyer.

Ms. Wollschlager said she very reluctantly supported motion A, but am troubled by some of the things that **Ms. Collins** has identified. I'm going to support the positive motion here also and was happy to hear that the **Chair** intends to speak against this Article on Town Meeting floor if it doesn't incorporate these changes in the motion that comes before Town Meeting. I intend to talk to **Ms. Collins** before Town Meeting to find out whether the motions have been amended, at least partly, to her satisfaction. It's important to have an affordable housing bylaw, but it can't be full of loopholes.

Mr. Scurlock said that he would like to see this go forward. **Mr. Evans** spoke about an unfriendly 40B. I witnessed 100 citizens requesting that a development not move forward and am concerned that a Town board or committee can allow this to go forward. I'm not clear how this stops that process, but I do hope that **Ms. Collins** will be able to get her suggestions incorporated into these motions.

Article 32, Motion B

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 7 – 4 – 1.**

Debate:

Mr. Evans said he did not hear many objections to the text of Motion B. The Use Regulation Table is the "Cliff Notes" reference that developers use to ascertain whether a given development is acceptable to the town are not. This has been thoroughly vetted and that I feel comfortable recommending favorable action.

Ms. Tinney no further comment

Mr. Hayes said he is very uncomfortable because it's subject to and compliant with Section V-J (Motion D) so the concerns raised in Motion D are a concern in this motion as well. I said this to underscore the point I made earlier concerning Motion D, but I will support Favorable Action on Motion B.

Article 32, Motion C

Mr. Evans moved to recommend favorable action, seconded by **Ms. Tinney**, **Voted 4 – 5 – 3.**

Debate:

Mr. Evans said Motion C includes language that integrates the inclusionary Zoning Bylaw into the Natick Zoning Bylaw to ensure that there aren't conflicts. The changes that we've requested have been implemented so I'm reasonably comfortable recommending that Motion C move forward.

Ms. Tinney agreed that this motion has been reviewed enough so that she is comfortable recommending favorable action to Town Meeting.

Ms. Collins said that Motion C only takes out language that already exists in the Zoning Bylaw. It does nothing more than that. Although the last section V-E.3 may technically fall under the language in the Article, I don't believe town citizens were properly noticed that this provision in the bylaw was going to be decimated this way, and that's how I view it. Town Meeting made a very deliberate vote in Spring

2017 Annual Town Meeting to put in a 10% limit and this motion indicates that the sponsors do not believe that Town Meeting knew what they were doing. I can't vote for Motion C to take out what's in there because I can't support Motion D. I don't think changing the affordable housing requirement based on allowable density in DMU is, in any way, a hardship based on the sales that have happened in that area.

Mr. Coburn said I've taken to heart the **Chair's** comments on Motion A, especially the statement that Town Meeting members look no further than the 2-3 words attached to our recommendation in the Finance Committee recommendation book. I think that if a couple of these motions have no recommendation, Town Meeting members are going to ask why and will pay attention to more than 2-3 words, and that's healthy.

Ms. Wollschlager thanked **Ms. Collins** for her diligent work and feel that she has done much of the work of the Finance Committee in reviewing the inclusionary zoning bylaw proposal. I'm grateful for all the things that you've brought to light and hope that, if you feel, the motions are not modified to your satisfaction that you speak at Town Meeting so that we understand what the remaining issues are.

Mr. Scurlock, through **Chairman Hayes**, asked whether **Ms. Collins** feels that she can work with the sponsors to work out the concerns you have with the sponsors.

Ms. Collins said that she believes many of the wording issues can be worked out, but is less confident that some of the philosophical issues can be resolved.

Mr. Hayes reviewed the 2018 Fall Town Meeting warrant, noted that this is Article 32 and that may afford us enough time to come up with revised motions by the time Article 32 comes up at Town Meeting. It's even possible that someone can make a motion to have Article 32 be the last Article heard at Town Meeting.

Ms. Evans said that she wanted to take the inputs from the Finance Committee to the Planning Board meeting on October 17. I realized that there may be further edits after that meeting, but I'll be in touch with **Ms. Collins** about sitting down and going through things. I also invite others on the Finance Committee who have questions or observations to send them to me as soon as possible. We've all seen sausage making on the floor of Town Meeting, so we'd like to get as much of a final motion as possible available before Town Meeting. We can also review the suggested changes with Town Counsel to verify that they are correct.

Mr. Hayes asked how **Ms. Evans** would like to receive inputs from the Finance Committee – through the chair or through individual members. **Ms. Evans** said they could send inputs individually, but to make sure they are copied to the **Chair** of the Finance Committee, and **Mr. Fields**. Once **Ms. Collins** and I have the chance to sit down and discuss this article, we'll have a lot better sense of how we can get this ready for 2018 Fall Annual Town Meeting. Further, you are lucky to have **Ms. Collins'** input. I have looked at things many times and there are things that others have spotted. It's one of the reasons that a robust review process is a great benefit.

Article 40 - Amend the Town of Natick By-Laws: Create New Committee

Mr. Hayes reminded Mr. Sullivan that as the citizen sponsor of this Article, he is entitled to vote on it, but must leave the presentation chair and return to the fc side to debate and vote on this article.

Mr. Sullivan said that the timing of this meeting is appropriate. We had tried scheduling this earlier, but my business travel prevented doing it before tonight. The meetings that I missed were heavy on zoning, but I watched the replays (4' 59 ", 5' 42", 3' 55", and 4' 2" long).

ITEM TITLE: Scheduling future Committee and Sub-Committee meetings
ITEM SUMMARY:

ITEM TITLE: Discussion of the FY 2020 Budget Planning and Key Drivers

ITEM SUMMARY:

ITEM TITLE: Discussion of Rating Agencies Findings & Ratings
ITEM SUMMARY:
