

# ***TOWN OF NATICK***

## **Meeting Notice**

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

### **Natick Finance Committee**

#### **PLACE OF MEETING**

School Committee Meeting Room, 3rd  
Floor, Natick Town Hall 13 East Central  
St.

#### **DAY, DATE AND TIME**

September 24, 2019 at 7:00 PM

#### **MEETING AGENDA**

Posted: Friday, September 20, 2019 at 11:00 AM EDT

Revised and Posted: Monday, September 23, 2019 at 8:00 AM EDT

1. **Call to Order**

- a. Pledge of Allegiance & Moment of Silence
- b. Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing
- c. Review of Meeting Agenda and Ordering of Items

2. **Announcements**

3. **Public Comments**

- a. Committee policy & procedures available via this link and also at the meeting location
- a. Meeting Minutes for September 10, 17 & 19, 2019 (Revised)

4. **Old Business**

- a. Article 20: Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel
- b. Article 23: Alteration of Layout of North Main Street (Route 27) and Adjacent Streets

5. **New Business**

6. **Town Administrator's FY2020 Budget - Public Hearing**

- a. Discussion as it related to FATM Warrant Articles

7. **2019 Fall Town Meeting Warrant Articles - Public Hearing (Articles likely taken up in the order listed)**

- a. Article 12: Capital Improvements
- b. Article 11: Capital Equipment
- c. Article 13: Committee Article
- d. Article 14: Increase Gross Receipts For Eligibility for Property tax Deferral Program
- e. Article 29: Adjust Housing Density and Residential Parking Regulations in the Downtown Mixed-Use District

- f. Article 44: Rezone Properties Known as 1075 & 1085 Worcester Street from Industrial II to Highway Mixed Use I

8. **Committee and Sub-Committee Scheduling**

9. **Committee Discussion (for items both on and not on the agenda)**

- a. Town Meeting Recommendation Book - draft

10. **Adjourn**

Meeting may be televised live and recorded by Natick Pegasus. Any times listed for specific agenda items are approximate and not binding. Please note the committee may take the items on this agenda out of order.

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SUBMITTED BY

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**ITEM TITLE:** Pledge of Allegiance & Moment of Silence

**ITEM SUMMARY:**

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**ITEM TITLE:**        Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing

**ITEM SUMMARY:**

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**ITEM TITLE:**        Review of Meeting Agenda and Ordering of Items

**ITEM SUMMARY:**

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**ITEM TITLE:** Committee policy & procedures available via this link and also at the meeting location  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Finance Committee Policy and Procedures for Public Comments	2/21/2019	Exhibit

## Finance Committee Policy & Procedures for Public Comments:

### Public Comments at the start of the meeting:

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

### Public Comments on a specific agenda item:

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

### Procedural guidance for public comments:

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

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**ITEM TITLE:** Meeting Minutes for September 10, 17 & 19, 2019 (Revised)

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 20: Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Memo from KMS Building Committee	9/19/2019	Exhibit
Article 20: MOTION	9/6/2019	Exhibit
Art 20 info	9/10/2019	Exhibit
Art 20 letter	9/10/2019	Exhibit

**Kennedy Middle School  
Building Committee**

# Memo

**To:** Building Committee  
**From:** Julian Munnich  
**cc:**  
**Date:** September 10, 2019  
**Re:** Fall Annual Town Meeting; Article 20

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FATM Article 20 is the mechanism for the Town to transfer 5.28 acres of the Kennedy/Brown campus parcel into permanent control of the Conservation Commission under the restrictions of Article 97 of the Massachusetts Constitution. Such a transfer would cause multiple detrimental effects on the near term utility of the campus site, and would irreparably damage the Town's options for the future required development of the campus.

This issue arises from the placement of the new KMS onto several isolated wetland pockets that are the vestigial remains of engineered site drainage features that were not maintained and through negligence became list qualifying features. As such, the Mass DEP permitting process made their removal subject to Army Corps of Engineers regulation.

The ACOE permitting essentially leaves the Town with three options.

- Transfer a mitigating area of land away from school/town use to an Article 97 restricted status under the separate control of the Conservation Commission.
- Making a one-time indulgence payment in the form of a deterrent "fine" of \$132,247.36 as compensation for disturbing the vestigial drainage system.
- Presenting an alternative area/configuration of land for mitigating transfer.

Time-lines:

Developing an alternative land mitigation plan, while perhaps saving some nominal monies, is not practicable as it would harm the tight scheduling of the KMS project.

Paying the compensating amount would be an instantaneous settling of the issue, with the matter being resolved on the presentation of payment.

The voting of the transfer of land to Article 97 restriction would not take effect until the close of Town Meeting and the passage of time for certification of votes and potential appeal of Town Meeting action.

Strategic harm of transferring the land from school/town use to Article 97 restriction:

An undisputable consideration is that the Brown Elementary School will have to be replaced in the near coming decades. Furthermore; even the current new KMS project has made provision for expansion of footprint and capacity. These inevitable future demands on the capacity of the campus site are disadvantaged or rendered impossible by the following considerations.

- Strategic site expansion options eliminated.
  - The utility of, and access to, the school owned frontage and land area of 104 Hartford Street would be permanently removed from the Campus
  - The expansion potential for parking, fields, and facilities on lands of 108 Hartford Street (EverSource parcel) would be practically cut off and distanced from core school facilities. (Even the current ad hoc trail access could not be formalized and improved).
  - The school owned land at 112 Harford Street, with its strategic frontage on Mill Street would be rendered useless for school expansion options.
- Current site utilization options reduced/eliminated.
  - “Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed” (Article XCVII)
  - Under zoning the maximum Floor Area Ratio for the site is 0.17
    - The current Kennedy/Brown Campus is 35.2 acres (1,533,312 s.f.) which at 0.17 FAR enables 260,663 s.f. of construction
    - The transfer of 5.28 acres (229,997 s.f.) would reduce the permissible build-out construction by 39,099 s.f. to a new limit of 221,564 s.f.
    - Subject to an audit of space utilization; the proposed transfer of land may even put the current building project into violation of zoning and the terms of its permitted Site Plan

In light of; the multiple considerations of project time-line, strategic site flexibility considerations, protecting maximum site build-out, and avoiding placing the project into violation of zoning; it is recommended that the Building Committee implement the payment of \$132,247.36.

The preferred option for Town Meeting action on Article 20 is “Referral of the subject matter of Article 20 to the Kennedy Middle School Building Committee”.

## ARTICLE 20 – 2019 FATM

Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel  
(Board of Selectmen)

### MOTION:

Move that the Town vote to transfer from the School Committee and the Board of Selectmen to the Conservation Commission, the care, custody, management, and control of a portion of land adjoining the Kennedy Middle School, identified as 5.28 acres, located at 165 Mill Street, as shown on a Plan entitled "Town of Natick Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, Permitting Documents, Submitted to the Department of Environmental Protection" revision date February 6, 2019, portion identified on that Plan as "Potential Conservation Easement NAE-2019-01219 12-13-2018," and available for inspection in the Board of Selectmen's office, for the purposes of dedicating the land in perpetuity for conservation purposes and subject to the strictures and the protections of Article 97 of the Amendments to the Massachusetts Constitution, as required by the permit for File Number NAE-2019-01219, issued by the U.S. Army Corps of Engineers to the Natick School Department on April 16, 2019 ; and to take all action necessary or appropriate to accomplish the purposes of this article.



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## **Fwd: Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School**

1 message

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**Patrick Hayes** <[phayes.fincom@natickma.org](mailto:phayes.fincom@natickma.org)>

Mon, Sep 9, 2019 at 12:37

To: Linda Wollschlager <[lwollschlager.fincom@natickma.org](mailto:lwollschlager.fincom@natickma.org)>, Bruce Evans <[bevans.fincom@natickma.org](mailto:bevans.fincom@natickma.org)>

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Karis North <[knorth@mhtl.com](mailto:knorth@mhtl.com)>

**Date:** September 9, 2019 at 4:37:09 PM GMT+2

**To:** Michael Hickey <[mhickey@natickma.org](mailto:mhickey@natickma.org)>, "[mmalone@natickma.org](mailto:mmalone@natickma.org)" <[mmalone@natickma.org](mailto:mmalone@natickma.org)>, Patrick Hayes <[phayes.fincom@natickma.org](mailto:phayes.fincom@natickma.org)>

**Subject:** Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School

Mike/Melissa/Patrick - I am attaching for your information the Army Corps of Engineers permit for the KMS project, which makes a condition of that permit approval the transfer of 5.28 acres of land (as set forth in the attached plan) to the Natick Conservation Commission, subject to Article 97. The protection of the 5.28 acres is required mitigation for the permanent filling of 0.22 acres of palustrine forested wetland. After Town Meeting approval, the Town Meeting vote must be recorded within 60 days, to make the protections official and consistent with Article 97 and the applicable case law. The land is currently held by the Town, through the Board of Selectmen and the School Committee (it is part of two separate parcels).

If the transfer is not approved at this Town Meeting, the Town must inform the Corsep within 30 day, and make a payment of \$132,247.36 (or may propose alternative mitigation).

This permit condition was negotiated with the Corps, in lieu of placing a Conservation Restriction (CR) on the 5.28 acres, because such a restriction would have been expensive as a third party would have been the holder of the restriction, and would have required some payment for the Town for so doing. This transfer is intended as a permanent protection of the 5.28 acre parcel, in a similar fashion as a CR. My memo to the Corps, which is included within the permit, explains the legal underpinnings for the process.

Please let me know if you have any questions, or require further information in considering this article. As mentioned to Mike, I am not available to participate in the meeting tomorrow night, but happy to answer any questions in advance.

Thanks,  
KLN

Karis L. North  
Murphy, Hesse, Toomey & Lehane, LLP  
300 Crown Colony Drive  
Quincy, MA 02169  
Tel.: 617.479.5000  
Direct Dial: 617.691.1948  
Fax: 617.479.6469  
[knorth@mhtl.com](mailto:knorth@mhtl.com)

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**NAE-2018-01219 Permit to E-mail.pdf**

2 MB



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

April 16, 2019

Regulatory Division  
File Number: NAE-2018-01219

Town of Natick School Department  
Anna Nolin  
13 East Central Street  
Natick, Massachusetts 01760

Dear Ms. Nolin:

We have reviewed your application to place 9,632 square feet (0.22 acre) of permanent fill in palustrine forested wetlands and to place 1,535 square feet (0.04 acre) of temporary fill in palustrine forested wetlands associated with the construction of a new J. F. Kennedy Middle School. This project is located in waters and wetlands associated with Beaver Brook at 165 Mill Street in Natick, Massachusetts. The work is shown on the enclosed plans entitled "TOWN OF NATICK KENNEDY MIDDLE SCHOOL 165 MILL STREET NATICK MASSACHUSETTS PERMITTING DOCUMENTS Submitted to the: Department of Environmental Protection", on 66 sheets, and with a revised date of "February 6, 2019" and the mitigation area to be preserved is shown on the enclosed plan entitled "POTENTIAL CONSERVATION EASEMENT NAE-2018-01219 12-13-2018."

Based on the information you have provided, we have determined that the proposed activity, which includes work and/or a discharge of dredged or fill material into waters of the United States, including wetlands, will have only minimal individual or cumulative environmental impacts. Therefore, this work is authorized under the enclosed April 2018 Massachusetts General Permits (MA GPs), specifically GP 8 and GP10, under the pre-construction notification process. This work must be performed in accordance with the terms and conditions of the GPs and also in compliance with the following special conditions:

1. In order to mitigate for the unavoidable permanent impacts to 0.22 acre of palustrine forested wetlands, the permittee shall preserve 5.28 acres of land on the western side of the project vicinity. The area to be preserved contains vernal pools, wetlands, and uplands and is shown in red hatching on the enclosed plan entitled "POTENTIAL CONSERVATION EASEMENT NAE-2018-01219 12-13-2018."
2. The 5.28 acres of land shall be placed under the protections of Article 97 of the Amendments to the Massachusetts Constitution as described in the enclosed letter submitted by Karis North of Murphy Hesse Toomey & Lehane LLP on March 15, 2019. A two-step process will be involved. First the land shall be transferred to the care, custody and control of the Natick Conservation Commission for conservation purposes and subject to the strictures of Article 97 by the affirmative vote of the Natick Town Meeting. This step shall occur at Natick's 2019 Fall

Town Meeting. The second step shall be recording the affirmative Town Meeting vote with the existing deeds- and subject to certain restrictions on the use of the property- at the Middlesex South Registry of Deeds.

3. Restrictions on the use of the 5.28 acre mitigation area shall be recorded with the affirmative meeting vote and existing deeds and are enumerated in the enclosed document entitled "NAE-2018-01219 Restrictions to be placed over the 5.28 acre Mitigation Site." Any use of the mitigation area that conflicts with these restrictions must obtain any needed approvals subject to Article 97 but will also require prior written consent from the Army Corps of Engineers. Note that any future approved use of the mitigation site that conflicts with the conservation goals and restrictions may be considered a loss of mitigation and therefore may result in a requirement for alternative replacement mitigation.

4. Within 60 days of an affirmative town meeting vote, the town shall submit documentation of recordation along with the list of restrictions to this office.

5. Should the 2019 Fall Town Meeting vote to subject the 5.28 acres of mitigation to the strictures of Article 97 fail, alternative mitigation will be required to offset the project impacts and may consist of an in-lieu fee payment of \$132,247.36. The town shall contact this office within 30 days of a failed vote with an alternative mitigation proposal.

6. The 5.28 acre preservation area shall be marked by permanent signs or by an equivalent, permanent marking system designating the area a protected area.

7. In order to attempt to deter vernal pool species from entering the new parking lot, a series of logs will be placed end to end along a portion of the edge of the wooded boundary of the preservation parcel. The proposed work is shown on sheets C2.2 and C6.7 of the plan set referenced above.

8. All wetlands that are not proposed to be impacted but that occur within 50 feet of proposed site work should be clearly marked with wetland flagging before site work begins.

9. The 0.04 acre of wetlands temporarily impacted for the temporary access parking in Phase 1 will be restored as soon as the temporary access parking is no longer needed. Wetland restoration will consist of removing the fill and restoring the wetland to pre-existing grades, seeding the wetland with an approved wetland seed mix, and installing plantings. **The proposed wetland seed mix and planting plan shall be submitted for Corps approval within 60 days of permit issuance.**

10. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.



11. You must complete and return the enclosed Compliance Certification Form to this office within one month of completion of all authorized work.

You are responsible for complying with all of the GPs' requirements. Please review the enclosed GPs carefully, in particular the general conditions beginning on Page 19, to be sure that you understand its requirements. You should ensure that whoever does the work fully understands the requirements and that a copy of the GPs and this authorization letter are at the project site throughout the time the work is underway.

This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization becomes valid only after the Massachusetts Department of Environmental Protection (MassDEP) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the MassDEP denies the 401 WQC, this determination becomes null and void.

This authorization expires on April 5, 2023, unless it is modified, suspended, or revoked before then. You must commence or have under contract to commence the work authorized herein by April 5, 2023 and complete the work by April 5, 2024. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss a time extension or permit reissuance. Please contact us immediately to discuss modification of this authorization if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Please contact Ruthann Brien of my staff at [ruthann.a.brien@usace.army.mil](mailto:ruthann.a.brien@usace.army.mil) or at (978) 318-8054 if you have any questions.

Sincerely,



Barbara Newman  
Chief, Permits & Enforcement Branch A  
Regulatory Division

Enclosures

cc:

Briscoe Lang, Pare Corporation, Lincoln, RI; [blang@parecorp.com](mailto:blang@parecorp.com)

Ed Reiner, U.S. EPA, Region 1, Boston, MA; [reiner.ed@epa.gov](mailto:reiner.ed@epa.gov)

David Simmons, USFWS; [david\\_simmons@fws.gov](mailto:david_simmons@fws.gov)

Pam Merrill, DEP NERO, Wetland and Waterways, Wilmington, MA;  
[pamela.merrill@state.ma.us](mailto:pamela.merrill@state.ma.us)

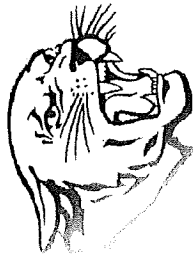
Natick Conservation Commission; [vparkers@natickma.org](mailto:vparkers@natickma.org)

VERTEXENG.COM

TOWN OF NATICK

## KENNEDY MIDDLE SCHOOL

165 MILL STREET - NATICK MASSACHUSETTS



# PERMITTING DOCUMENTS

Submitted to the: Department of Environmental Protection

Revised February 6, 2019

**NOTE:** THIS PLANT SITE INFORMATION REMAINS MADE AS A RESULT OF ON GOING COORDINATION WITH THE NATION CONSERVATION COMMISSION, MASSDOT AND THE US ARMY CORPS OF ENGINEERS AND SUPERVISES THE PLANS SUBMITTED TO THE CONSERVATION COMMISSION ON JUNE 28, 2018 AND TO MASSDOT AND THE ARMY CORPS OF ENGINEERS ON JULY 13, 2018, OCTOBER 10, 2018, AND ON JANUARY 20, 2019.

## SHEET INDEX

[illegible]

**MECH., ELEC., PLUMBING &  
FIRE PROTECTION ENGINEERS**  
**GRIFFITH & VARY, INC.**  
2400 15th St.  
Warrenton, VA 20781  
Tel. (502) 295-4722  
Fax (502) 295-4720

**LANDSCAPE ARCHITECT**  
**TRAVERSE LANDSCAPE ARCHITECTS**  
750 Ordway Street  
4th Floor - Doran Building  
Portland, ME 02801  
Tel. 407.314-9501

**STRUCTURAL ENGINEER**  
**ENGINEERS DESIGN GROUP, INC.**  
350 Union St. #25  
Woburn, MA 02458  
Tel: (617) 265-2177  
Fax: (617) 265-4500

OWNER  
NATICK PUBLIC SCHOOLS  
11 EAST CENTRAL STREET  
NATICK, MA 02446

**ARCHITECT**  
**A13 ARCHITECTS, LLC**  
526 Boston Post Road  
Weymouth, MA 01978  
Tel: (508) 338-0750  
Fax: (508) 338-0771

**CIVIL ENGINEERS**  
**THE VERTEX COMPANIES INC.**  
400 Long Parkway  
Weymouth, MA 02188  
Tel. (781) 963-9630  
964-4326 (Ext.) 252

AI3 PROJECT NO.1605.00

NATICK PUBLIC SCHOOLS

FEBRUARY 6, 2019

NAE-2018-01219 Restrictions to be placed over the 5.28 acre Mitigation Site:

1. In reference to the 5.28 acre mitigation area for NAE-2018-1219 Kennedy Middle School:
  - a. there shall be no placement of fill material or installation of temporary or permanent roads;
  - b. there shall be no placing, storing, or dumping of soil, refuse, trash, or debris
  - c. there shall be no commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to: signs, billboards, other advertising material, or other structures placed on the mitigation site;
  - d. there shall be no removal or destruction of trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals or other material except with the exception of managing vegetation to control invasive species or to prune dead limbs for safety purposes;
  - e. there shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as necessary to manage vegetation to control invasive species;
  - f. there shall be no application of insecticides or herbicides except to control invasive species;
  - g. there shall be no grazing or keeping of cattle, sheep, horses or other livestock;
  - h. there shall be no hunting or trapping;
  - i. there shall be no utility line structures placed, including but not limited to: telephone or other communication line structures, electrical line structures, or gas, water or sewer lines;



MURPHY HESSE  
TOOMEY & LEHANE LLP

Attorneys at Law

*Karis L. North*  
*knorth@mhtl.com*

March 15, 2019

**VIA EMAIL ONLY**

kiersten.e.haugen@usace.army.mil

Kiersten Haugen, Esq.  
USACE New England District  
696 Virginia Road  
Concord, MA 01742

Re: Town of Natick – Kennedy School

Dear Attorney Haugen:

Per our discussion last week concerning the Town of Natick's Kennedy School Building project, I am providing the following information concerning the Article 97 protection of the vernal pools, which is on two parcels adjacent to the building site, currently owned by the Town of Natick ("the vernal pool parcels").

Article 97 of the Amendments to the Massachusetts Constitution provides in part:

"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose...Land and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court."

Land which is subject to the protections of Article 97 is subject to an EOEA Article 97 Land Disposition Policy, dated February 19, 1998 ("the Policy"). The Policy states: "Accordingly, as a general rule, EOEA and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of this policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions."

Kiersten Haugen, Esq.  
March 15, 2019  
Page 2

The Policy defines an Article 97 land disposition is defined as:

a) any transfer or conveyance of ownership or other interests; b) any change in physical or legal control; and c) any change in use, in and to Article 97 land or interests in Article 97 land owned or held by the Commonwealth or its political subdivisions, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency's mission, as determined by the controlling agency, occurs thereby.

Where municipal land subject to Article 97 is to be disposed of, in order to effectuate any disposition, the municipality must seek unanimous approval of the Conservation Commission, 2/3 approval of Town Meeting, 2/3 approval of the Legislature, and comply with the Policy, which includes notification to EOEA.

Thus, in order to subject the land to Article 97 protections, which disposition would require compliance with the Policy, "[f]or land to be subject to the two-thirds vote requirement on disposition or use for other purposes, it must be 'taken or acquired for (the) purpose' of protecting interests covered by art. 97." Mahajan v. Department of Environmental Protection, 464 Mass 604, 615, 616 (2013).

Where land is held by a town, to make it subject to the Policy and the restrictions of Article 97, a two-step process is required. First, the land must be transferred to the care, custody, and control of the Natick Conservation Commission for conservation purposes and explicitly subject to the strictures of Article 97, by a vote of the Natick Town Meeting. The vote of Town Meeting would explicitly state that the transfer to the Natick Conservation Commission was to subject the land to the restrictions of Article 97.

In addition, that restriction would have to be recorded, so that it becomes "specifically designated for conservation purposes in the first instance" and is held by the Conservation Commission for the specific purposes of coming within Article 97. Recording the Town Meeting vote with the already existing deeds is sufficient recording to meet the requirement of Article 97, as set forth by the SJC in Mahajan.

Therefore, in order to protect the two parcels, Natick recommends that the ACOE approve this above-explained approach, and as a condition of the Army Corps of Engineers ("ACOE") permit for the Kennedy School project, require that such parcels be put into conservation, at the next scheduled annual town meeting, which would be Natick's 2019 Fall Town meeting. Following an affirmative Town Meeting vote, those votes would be recorded at the Middlesex South Registry of Deeds. These two actions would meet the requirement in Mahajan, and would protect the Parcels in accord with the permitting requirements of the ACOE.

Kiersten Haugen, Esq.  
March 15, 2019  
Page 3

Please contact me with any questions or concerns.

Sincerely,

/s/ KLN

Karis L. North



**US Army Corps  
of Engineers®**  
New England District

**WORK-START NOTIFICATION FORM**  
(Minimum Notice: Two weeks before work begins)

\*\*\*\*\*  
\* EMAIL TO: cenae-r@usace.army.mil; or \*  
\* \* \* \* \*  
\* MAIL TO: Tina Chaisson \*  
\* U.S. Army Corps of Engineers, New England District \*  
\* Permits and Enforcement Branch A \*  
\* Regulatory Division \*  
\* 696 Virginia Road \*  
\* Concord, Massachusetts 01742-2751 \*  
\*\*\*\*\*

Corps of Engineers Permit No. NAE-2018-01219 was issued to the Town of Natick School Department. This work authorized 9,632 square feet of permanent fill and 1,535 square feet of temporary fill in conjunction with the building of a new Kennedy Middle School on property at 165 Mill Street in Natick, MA

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\_\_\_\_\_

\_\_\_\_\_

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

**PLEASE PRINT OR TYPE**

**Name of Person/Firm:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone Numbers:** ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

**Proposed Work Dates:** Start: \_\_\_\_\_ Finish: \_\_\_\_\_

**Permittee/Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Date Permit Issued:** April 16, 2019 **Date Permit Expires:** April 5, 2023

\*\*\*\*\*

**FOR USE BY THE CORPS OF ENGINEERS**

**PM:** Ruthann Brien **Submittals Required:** \_\_\_\_\_

**Inspection Recommendation:** \_\_\_\_\_  
\_\_\_\_\_





**US Army Corps  
of Engineers®**  
New England District

**COMPLIANCE CERTIFICATION FORM**  
(Minimum Notice: Permittee must sign and return notification  
within one month of the completion of work.)

**Permit Number:** NAE-2018-01219

**Project Manager:** Ruthann Brien

**Name of Permittee:** Town of Natick School Department

**Permit Issuance Date:** April 16, 2019

Please sign this certification and return it to our office upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

\*\*\*\*\*  
\* E-MAIL TO: cenae-r@usace.army.mil; or \*  
\* \*  
\* MAIL TO: Permits and Enforcement Branch A \*  
\* U.S. Army Corps of Engineers, New England District \*  
\* Regulatory Division \*  
\* 696 Virginia Road \*  
\* Concord, Massachusetts 01742-2751 \*  
\*\*\*\*\*

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Work Completion

( ) \_\_\_\_\_  
Telephone Number

( ) \_\_\_\_\_  
Telephone Number





526 Boston Post Rd  
508.355.0750  
Wayland, MA  
www.ai3architects.com

**VERTEX**  
400 Libbey Parkway  
Weymouth, MA 02189  
Main: 781.952.6000  
VERTEXENG.COM



**KENNEDY MIDDLE SCHOOL**  
165 MILL STREET  
NATICK, MA 01760

KEYNOTE LEGEND:

NOT FOR CONSTRUCTION

NORTH ARROW

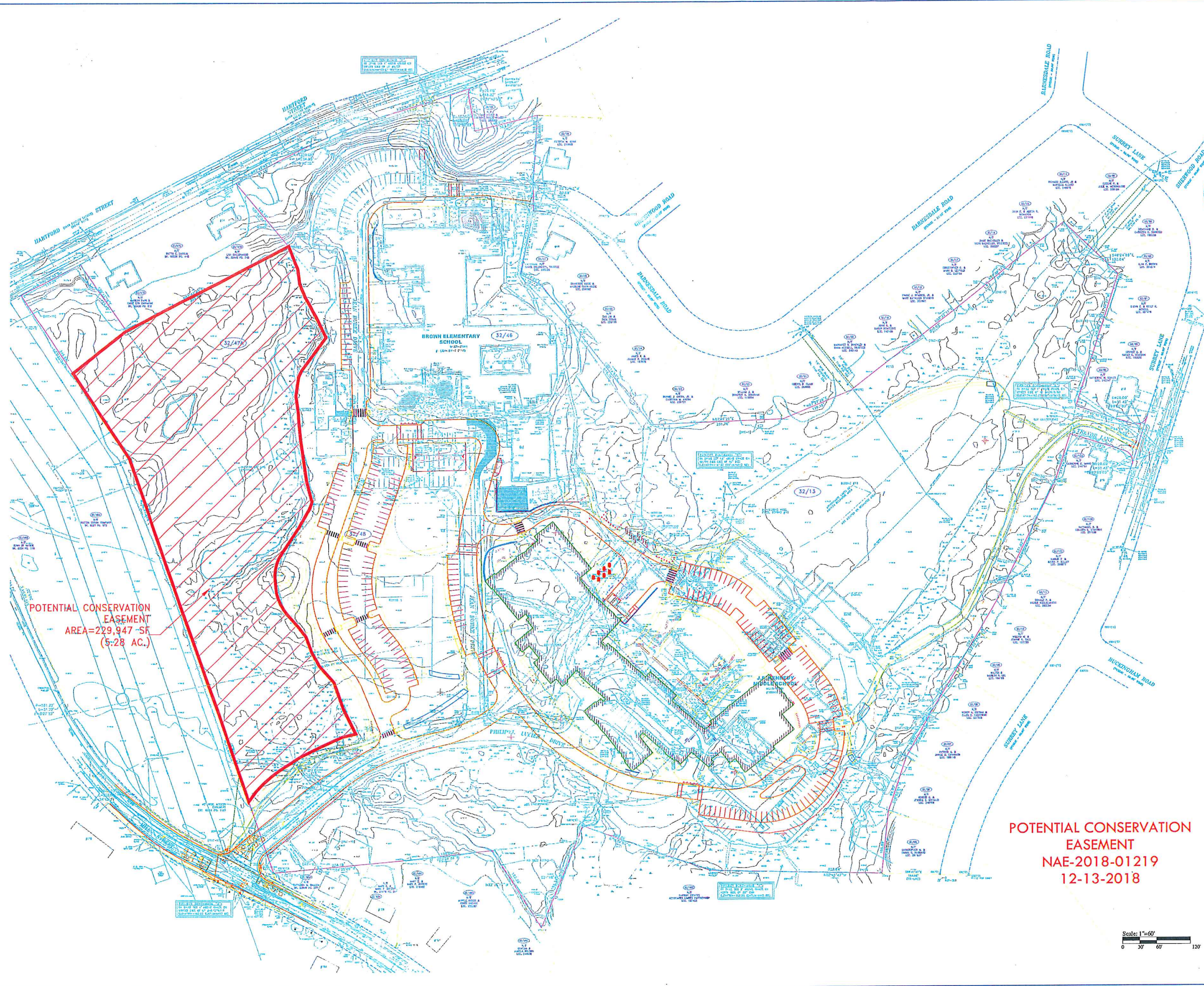


KEYPLAN

DRAWING NAME:

DRAWN BY: AWB  
REVIEWED BY: BL  
SCALE: AS NOTED  
JOB NO: 1605.00  
DATE: DEC. 13, 2018

FIG.1



POTENTIAL CONSERVATION  
EASEMENT  
NAE-2018-01219  
12-13-2018

Scale: 1"=60'  
0 30 60 120



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**ITEM TITLE:** Article 23: Alteration of Layout of North Main Street (Route 27) and Adjacent Streets  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Citizen email regarding Article 23	9/19/2019	Exhibit
TOwn's Special Counsel Written Opinion	9/19/2019	Exhibit
Article 23: MOTION	9/6/2019	Exhibit
Route 27 Layout Modification	9/9/2019	Exhibit

**Re: Postpone Consideration of Article 23**

1 message

**Melissa Malone** <mmalone@natickma.org>

Mon, Sep 16, 2019 at 7:29 PM

To: Patrick Hayes &lt;phayes.fincom@natickma.org&gt;

Cc: Karis North &lt;knorth@mhtl.com&gt;, Michael Hickey &lt;mhickey@natickma.org&gt;, Bruce Evans &lt;bevans.fincom@natickma.org&gt;, Linda Wollschlager &lt;lwollschlager.fincom@natickma.org&gt;, Frank Foss &lt;moderator@natickma.org&gt;

Hello all - attached please find correspondence from retained special counsel who has been assisting with this project. Pls. let me know if you need further information. Thank you, M.Malone

On Tue, Sep 10, 2019 at 7:17 PM Patrick Hayes <phayes.fincom@natickma.org> wrote:

Folks,

I'm still in Germany until Saturday. Could the Administration and Town Counsel provide guidance and opinions to the concerns of the citizen's questions. It would be helpful in advance of the scheduled hearing. But don't do the best you can.

Patrick

Sent from my iPhone

Begin forwarded message:

**From:** PAUL GRIESMER <pgriesmer@comcast.net>

**Date:** September 11, 2019 at 12:16:17 AM GMT+2

**To:** Patrick Hayes <phayes.fincom@natickma.org>, Bruce Evans <bevans.fincom@natickma.org>

**Cc:** Paul Griesmer <pgriesmer@comcast.net>, Moderator Natick <moderator@natickma.org>

**Subject:** Postpone Consideration of Article 23

**Reply-To:** PAUL GRIESMER <pgriesmer@comcast.net>

I am writing to request that the Finance Committee postpone consideration of Article 23 for Route 27 until some very serious legal questions can be answered.

The action sought under article 23 may very well be illegal because it seeks to convert Article 97 land to public road use. It may very well compound an error under the consent agenda last spring.

Spring town meeting voted article 17 under the consent agenda. This action dedicated Camp Mary Bunker as article 97 land. However, it first sought to take a widened public sidewalk from camp Mary bunker.

The motion was:

"Move that the Town vote to dedicate property, commonly known as Camp Mary Bunker, as described in a deed recorded with the Middlesex South Registry of Deeds at Book 15706, Page 22, subject to the terms and conditions set forth in an Agreement recorded with said Registry of Deeds at Book 15706, Page 26, and modified to include a sidewalk to be constructed thereon as part of the North Main Street (Route 27) improvement project, to Article 97 of the Articles of Amendment to the Massachusetts Constitution."

The Finance Committee heard Article 17 on February 26, 2019.

The Finance Committee writeup said"

"The town believes that Camp Mary Bunker is already Article 97 land. MassDOT and the Mass. Department of Conservation and Recreation (Mass DCR) requested that the town confirm that this land is Article 97 land, prior to the commencement of the Route 27 roadway improvement project, so this article aims to do that. • Land under Article 97 is structured as conservation land or park land. It is restricted to only those uses. Any change of use would require a two-thirds vote from the state legislature. • This motion recognizes the addition of the sidewalk to the deed, and in doing so improves the access to this land for handicapped individuals. • Camp Mary Bunker is dedicated as an open-space park owned by the Town of Natick and is open to the public. It has one pavilion type structure, but it is not a camp."

Under the 2017 SJC Smith vs. Westfield decision, Camp Mary Bunker was undoubtedly Article 97 protected land. This SJC decision indicates that formal Article 97 votes are not necessary for land to become article 97 protected. Any prior use, public designation or public dedication or restriction can suffice.

The Board of Selectmen and Open space committee of the Town listed Camp Mary Bunker in its 2012 Open space report as article 97 land. The deed and the agreement incorporated into that deed restricts it as park and open space land for passive recreation. That agreement and deed were signed and accepted in 1984 by the then selectmen. Camp Mary Bunker was article 97 land before last spring's town meeting – as admitted by the administration.

The plans for Rt 27 show a 7 foot wide strip of frontage of camp mary bunker being "taken" or used for sidewalk and road use. Camp mary Bunker's current frontage already has a 4-5 foot wide sidewalk.

Six days before appearing before FinCom on article 17 of spring TM, the administration filed a required Environmental Notification Form for the rt. 27 project. That ENF was published in 2/20/19. That ENF makes NO mention of any changes to article 97., That oversight or omission is illegal regardless of whether it was inadvertent or deliberate. Article 97 is part of the Mass Constitution which is the highest law in the state.

The ENF REQUIRES disclosure of any article 97 lands being altered. The ENF is the basis for the state permit on Rt 27.

No Article 97 land can be converted to other use without a 2/3's vote of both houses of the legislature. Lacking that vote, town Meeting does not have the authority to include camp mary Bunker land in the revised street acceptance.

CMR 11.03 1 b 3 requires notification of any change to article 97 land under review thresholds. The Town's ENF did not disclose this.

The ENR, ENF publication date, camp mary Bunker deed, Camp mary Bunker agreement (incorporated into the deed, the Rt. 327 plan (see sheet #9), 301 CMR 11a, the 1907 recorded plan for camp Mary bunker and the 2012 open space plan are all attached. Also attached is the smith vs. westfield decision and a write-up about it from KP Law.


It's very concerning that six days after filing the ENF the town admitted the land is Article 97 land. The nature of this matter is that it requires full clarification with MEPA. Otherwise the Rt. 27 project could be impacted.

Further the Camp Mary Bunker deed contains a restriction against conversion to other uses and a right of first refusal for the girl scouts to buy it back if the use is changed.

Melissa A. Malone  
Town Administrator  
13 East Central Street  
Natick, MA 01760  
508-647-6410



---

 **Camp Mary Bunker Article 9.16.19.pdf**  
355K

September 16, 2019

**Katharine Lord Klein**  
[kklein@k-plaw.com](mailto:kklein@k-plaw.com)

**BY ELECTRONIC TRANSMISSION**  
**AND FIRST CLASS MAIL**

Ms. Melissa Malone  
Town Administrator  
Natick Town Hall  
2nd Floor  
13 East Central Street  
Natick, MA 01760

Re: Camp Mary Bunker – Article 97

Dear Ms. Malone:

You requested an opinion regarding whether, prior to the vote taken under Article 17 of the 2019 Spring Annual Town Meeting (the “2019 Vote”), Camp Mary Bunker (the “Camp”) was subject to Article 97 of the Articles of Amendment to the Massachusetts Constitution (“Article 97”), and, accordingly, special legislation was required for the installation of a sidewalk on the Camp property in connection with the North Main Street (Route 27) improvement project. In my opinion, the Camp was not subject to Article 97 until the 2019 Vote expressly dedicated the Camp to Article 97, and the construction of a sidewalk at the Camp property is permissible.

Camp Mary Bunker was purchased pursuant to a vote taken under Article 27 of the 1983 Spring Annual Town Meeting, which did not specify the purpose for which the Camp was acquired. The care, custody and maintenance of the Camp was, and continues to be, with the Board of Selectmen. The Camp was conveyed to the Town by a Quitclaim Deed from the Patriot’s Trail Girl Scout Council, Inc., dated July 26, 1984, recorded with the Middlesex South Registry of Deeds in Book 15706, Page 22, subject to an Agreement, dated January 24, 1984, recorded with the Registry of Deeds in Book 15706, Page 26. While the Agreement states that the Camp shall remain in a permanent natural, open, and park-like state, this language, alone, is not dispositive of whether the Camp is subject to Article 97. As discussed below, a number of other factors must be considered to make this determination. In this case, these factors support a finding that Article 97 did not apply to the property prior to the 2019 Vote.

Article 97

Article 97, approved on November 7, 1972, states in relevant part that: “The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air

Ms. Melissa Malone  
Town Administrator  
September 16, 2019  
Page 2

and other natural resources is hereby declared to be a public purpose.” Article 97 further provides: “Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court” (emphasis added). As quoted above, Article 97 applies to land originally acquired (by purchase, taking, or gift) by a municipality or other governmental body for a purpose protected under Article 97, such as park, conservation, open space, and/or water supply protection (which I refer to as “an Article 97 Purpose”), and prohibits the municipality or other body from disposing of such land or interests in such land (such as leases, easements, and restrictions) and from changing the use of Article 97 land to a different purpose without, in each instance, a two-thirds roll call vote of each house of the state Legislature, in addition to other approvals.

In Mahajan v. Department of Environmental Protection, 464 Mass. 604 (2013), the Supreme Judicial Court held that, for land to be protected under Article 97, the primary purpose for which the land was acquired must be a purpose that serves “the stated goals of art. 97” - that is, an Article 97 Purpose. Id. at 615. Thus, if land is originally taken or acquired for multiple purposes, some of which are protected by Article 97 and some that are not protected under Article 97, such land would not be subject to Article 97. See also Mirkovic v. Guercio, 2017 WL 4681972 (Land Court 2017).

Note that Article 97 can also apply to land that was not originally acquired or taken by the Town for an Article 97 Purpose. In Hanson v. Lindsay, 444 Mass. 502 (2005), a case involving unique facts, the Court indicated that if land owned by a municipality is bound by a permanent deed restriction or conservation restriction, limiting the use of the land to an Article 97 Purpose, such land could be deemed to be subject to Article 97. In addition, in Mahajan v. Department of Environmental Protection, 464 Mass. 604 (2013), the Supreme Judicial Court held that Article 97 could apply to property not originally acquired or taken for an Article 97 Purpose if such property, “subsequent to the taking [is]...designated for those purposes in a manner sufficient to invoke the protection of art. 97.” Id. at 615 (emphasis added).

In Smith v. City of Westfield, 478 Mass. 49 (2017), the Supreme Judicial Court addressed what it means to “designate” or dedicate property to Article 97. At issue was whether Article 97 applied to a parcel of land that, though originally acquired by the City of Westfield by tax title foreclosure, was used as a public park for several decades. The Court held that if, based on a review of the totality of the circumstances, the property owner expresses a “clear and unequivocal intent to dedicate the land permanently”... for an Article 97 Purpose “...and where the public accepts such use by actually using the land...” for that Article 97 Purpose, the land may be deemed to be protected by Article 97 (emphasis added). While recording a permanent deed restriction may be evidence of such intent, the Court indicated it was not the only means of protecting land under Article 97. In Westfield, there was no conservation or deed restriction on record.

Ms. Melissa Malone  
Town Administrator  
September 16, 2019  
Page 3

In Westfield, the Court considered whether the following actions taken by the City demonstrated such clear and unequivocal intent: (i) the property was used as a public park and playground by the public for more than sixty years, (ii) the City Council voted to transfer the “full charge and control of the property to the playground commission,” (iii) the City transferred funds to the playground commission to improve the playground, (iv) the City passed an ordinance, formally naming the property as a playground, and (v) the City accepted federal funds under the Land and Water Conservation Fund Act of 1965 (the “Act”) to rehabilitate the property. To obtain such funds, the City entered into a grant agreement in which it agreed to develop an outdoor recreation plan and comply with the provisions of the Act. The Act states that land developed using funds under the Act cannot be converted “to other than public outdoor recreation uses without the approval of the United States Secretary of the Interior.” Id. at 52. The Court concluded that the property in Westfield was subject to Article 97, stating that while it had reviewed the totality of the circumstances (discussed above), “the determinative factor here was the acceptance by the city of Federal conservation funds under the act to rehabilitate the playground with the statutory proviso that, by doing so, the city surrendered all ability to convert the playground to a use other than public outdoor recreation without the approval of the Secretary.” Id. at 64.

Under the case law as it stands today, to determine if Article 97 applies to any particular parcel of land, one must examine if the Town originally acquired the land for an Article 97 Purpose. Often, the deed or order of taking by which the Town acquired the land in question will state the purpose of the acquisition. It is also important to review the Town Meeting vote that authorized the acquisition of the land to determine if it refers to an Article 97 Purpose. If land was not originally acquired for an Article 97 Purpose, we need to examine whether the Town clearly and unequivocally expressed its intention to protect the land permanently under Article 97. Such an examination requires an investigation of various actions, including a review of Town Meeting votes since the original acquisition of the land, the purposes for which the land has been used, and whether there are any restrictions on the use of the land, among other factors. As stated in Westfield, the determination of whether property is subject to Article 97 must be gleaned from the “totality of the circumstances.”

### Camp Mary Bunker

In my opinion, the Camp Mary Bunker was not dedicated to Article 97 purposes prior to the 2019 Vote. There is no statement, in the original acquisition vote, that it was acquired for Article 97 purposes. The property is under the care, custody and control of the Board of Selectmen – which is not the board or commission ordinarily charged with the care of Article 97 property. Moreover, there are several uses expressly permitted at the Camp which are not consistent with Article 97, e.g., buildings or other development, including a sanitary facility, a storage facility for outdoor program equipment or firewood storage, a small indoor activity center for camp programs, a rustic, open-roofed pavilion and a caretaker’s facility or home. See Agreement, Article III, Section B.



Ms. Melissa Malone  
Town Administrator  
September 16, 2019  
Page 4

There is no evidence, as in Westfield, that the Town passed a by-law formally naming the Camp as a park, or that the Town accepted funds from the federal government or the state. Indeed, the determinative factor in Westfield is not present here. There is no evidence of funding that required the Town to subject the property to the provisions of Article 97.

In my opinion, the most compelling factor against the application of Article 97 to the property is that the Division of Conservation and Services (DCR), when this issue was raised in the early months of 2019, did not take the position that the Camp had already been dedicated to Article 97. DCR, in my experience, is vigilant in protecting Article 97 properties from any change in use, however *de minimis* or non-intrusive. DCR requested that the Town dedicate the property to Article 97 purposes going forward, and expressly sanctioned the installation of the sidewalk. Had DCR believed the Camp was already subject to Article 97, it would not have condoned the Town action. Instead DCR would have advised that the property was, in its estimation, already subject to Article 97, and any dedication vote would have been redundant as the land was already protected.

## Conclusion

It is not the case that all property owned by a municipality that is in a natural and protected state is subject to Article 97. In order to determine if Article 97 applies, an assessment must be made that the property has been dedicated to Article 97, which analysis requires a review of a totality of the circumstances. The facts surrounding the Camp Mary Bunker did not, prior to the 2019 Vote, satisfy the standards set forth in the case law, and, in particular, the Westfield decision, where far more indicia of dedication were present. Accordingly, in my opinion, Camp Mary Bunker was not subject to Article 97 prior to the 2019 Vote, and the installation of the sidewalk in connection with the North Main Street improvements project is permissible.

Please do not hesitate to contact me with any questions.

Very truly yours,



Katharine Lord Klein

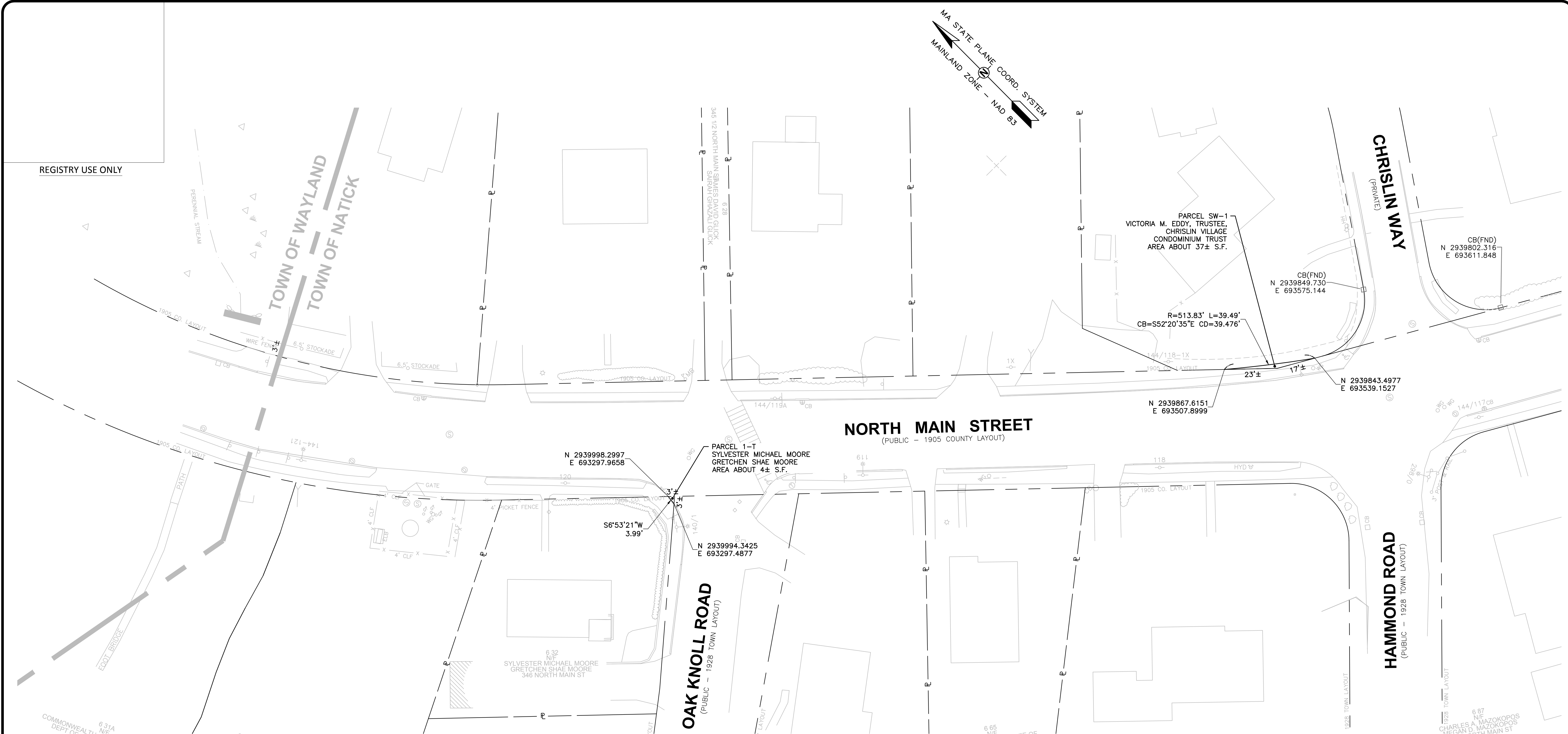
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ARTICLE 23 – 2019 FATM

Alteration of Layout of North Main Street (Route 27) and Adjacent Streets  
(Board of Selectmen)

MOTION:

Move that the Town vote to accept as a public way the altered layout of North Main Street (Route 27) and adjacent streets thereto, to include within the layout of North Main Street and adjacent streets certain fee interests and permanent easements as shown on a plan entitled "Layout Alteration Route 27 Roadway Improvements North Main Street Natick, Massachusetts," dated April 2, 2019, prepared by Lighthouse Land Surveying, LLC, as said plan may be amended, said plan on file with the Town Clerk; and to take all action necessary or appropriate to accomplish the purposes of this article.



I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS, TITLE 250 CMR 6.00.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

COMMONWEALTH OF MASSACHUSETTS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
RICHARD W. REID, JR.  
No. 46861  
*Richard W. Reid Jr.*  
PROFESSIONAL LAND SURVEYOR

APRIL 2, 2019  
DATE

APPROVED BY THE  
TOWN OF NATICK  
BOARD OF SELECTMAN

DATE

\_\_\_\_\_

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\_\_\_\_\_

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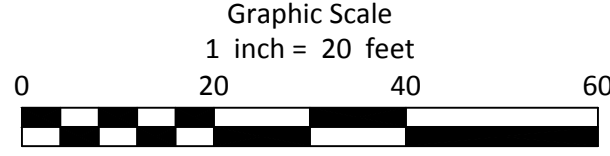
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NOTES

1. THE EXISTING CONDITIONS, LAYOUT LINES, AND EXISTING MONUMENTATION SHOWN ON THIS PLAN ARE FROM A SURVEY BASEPLAN PREPARED BY ASE CORPORATION DATED JANUARY 15, 2009
2. ALSO SEE PLANS ENTITLED "EASEMENT PLAN, ROUTE 27 ROADWAY IMPROVEMENTS, NORTH MAIN STREET (MIDDLESEX COUNTY-SOUTH DISTRICT), NATICK MASSACHUSETTS" DATED APRIL 2, 2019, PREPARED BY LIGHTHOUSE LAND SURVEYING, LLC. (AS RECORDED IN PLAN #561 OF 2019)

REVISIONS:			
REV #	DATE	ISSUED FOR REVIEW	DESCRIPTION
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PREPARED BY:

**LIGHTHOUSE LAND SURVEYING, LLC**

75 KIMBERLY ROAD - TAUNTON, MASSACHUSETTS  
Tel. 508 - 287 - 0896  
website: www.lighthouselandsurveying.com

PROJECT:

**ROUTE 27 ROADWAY IMPROVEMENTS**  
**NORTH MAIN STREET**  
**(MIDDLESEX COUNTY - SOUTH DISTRICT)**  
**NATICK, MASSACHUSETTS**

TITLE:

**LAYOUT ALTERATION**

PREPARED FOR:

**BETA Group, Inc**  
**315 Norwood Park South - 2nd Floor**  
**Norwood, MA 02062**

DATE:

**APRIL 2, 2019**

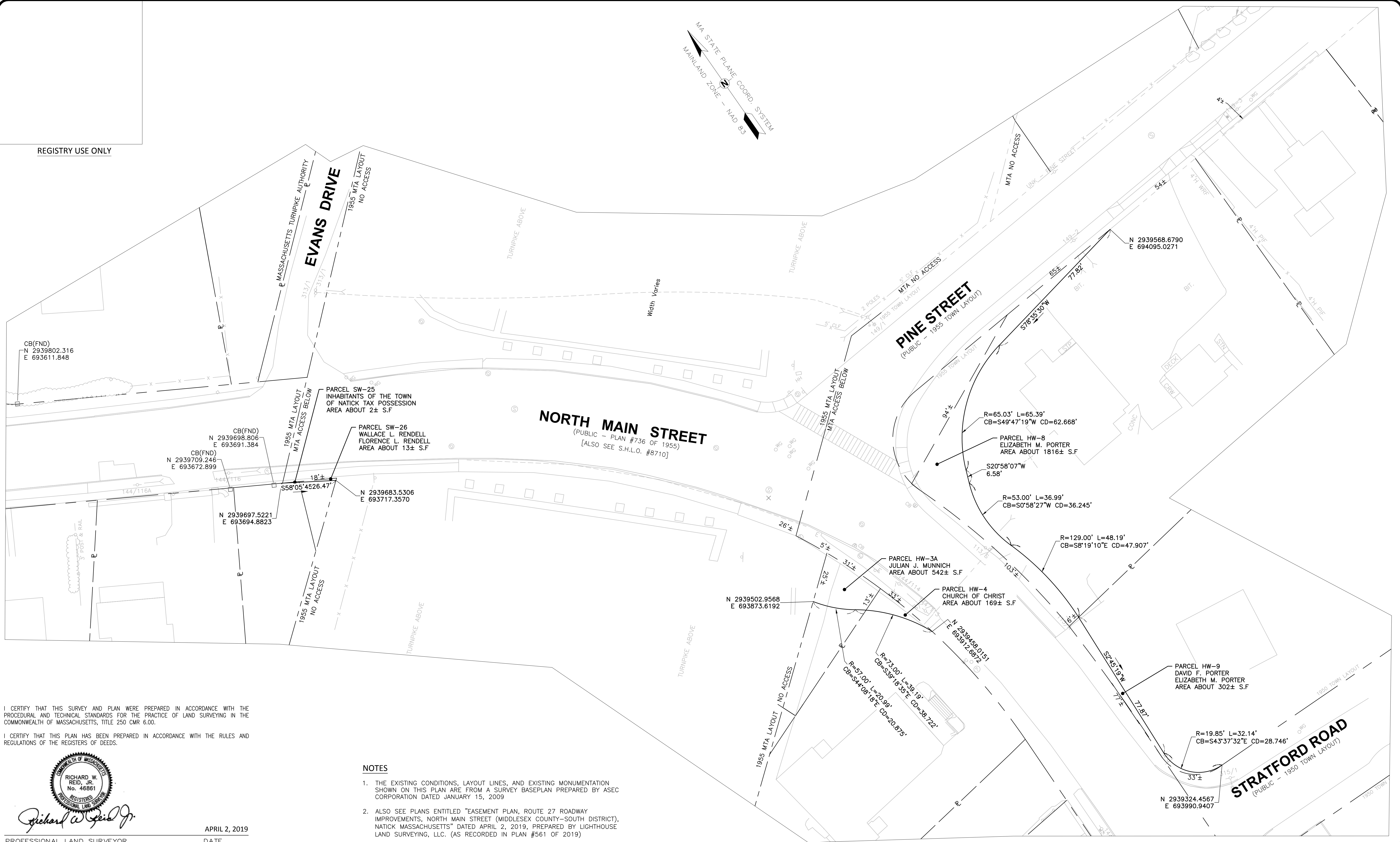
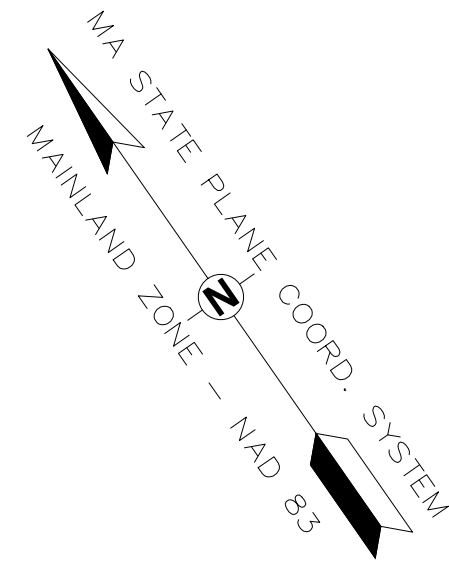
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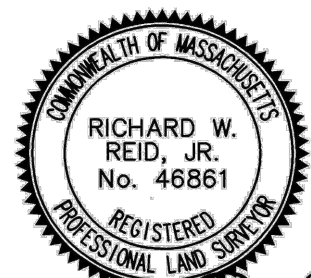


REGISTRY USE ONLY



I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS, TITLE 250 CMR 6.00.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



*Richard W. Reid, Jr.*

PROFESSIONAL LAND SURVEYOR

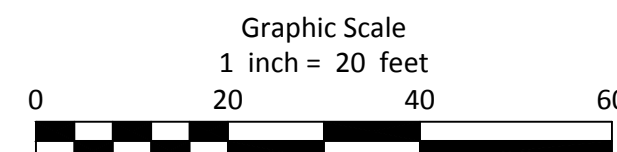
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DATE

#### NOTES

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PREPARED BY:



**LIGHTHOUSE LAND SURVEYING, LLC**

75 KIMBERLY ROAD - TAUNTON, MASSACHUSETTS

Tel. 508 - 287 - 0896

website: [www.lighthouselandsurveying.com](http://www.lighthouselandsurveying.com)

PROJECT:

ROUTE 27 ROADWAY IMPROVEMENTS  
NORTH MAIN STREET  
(MIDDLESEX COUNTY - SOUTH DISTRICT)  
NATICK, MASSACHUSETTS

TITLE:

**LAYOUT ALTERATION**

PREPARED FOR:

BETA Group, Inc  
315 Norwood Park South - 2nd Floor  
Norwood, MA 02062

DATE:

APRIL 2, 2019

2 OF 9

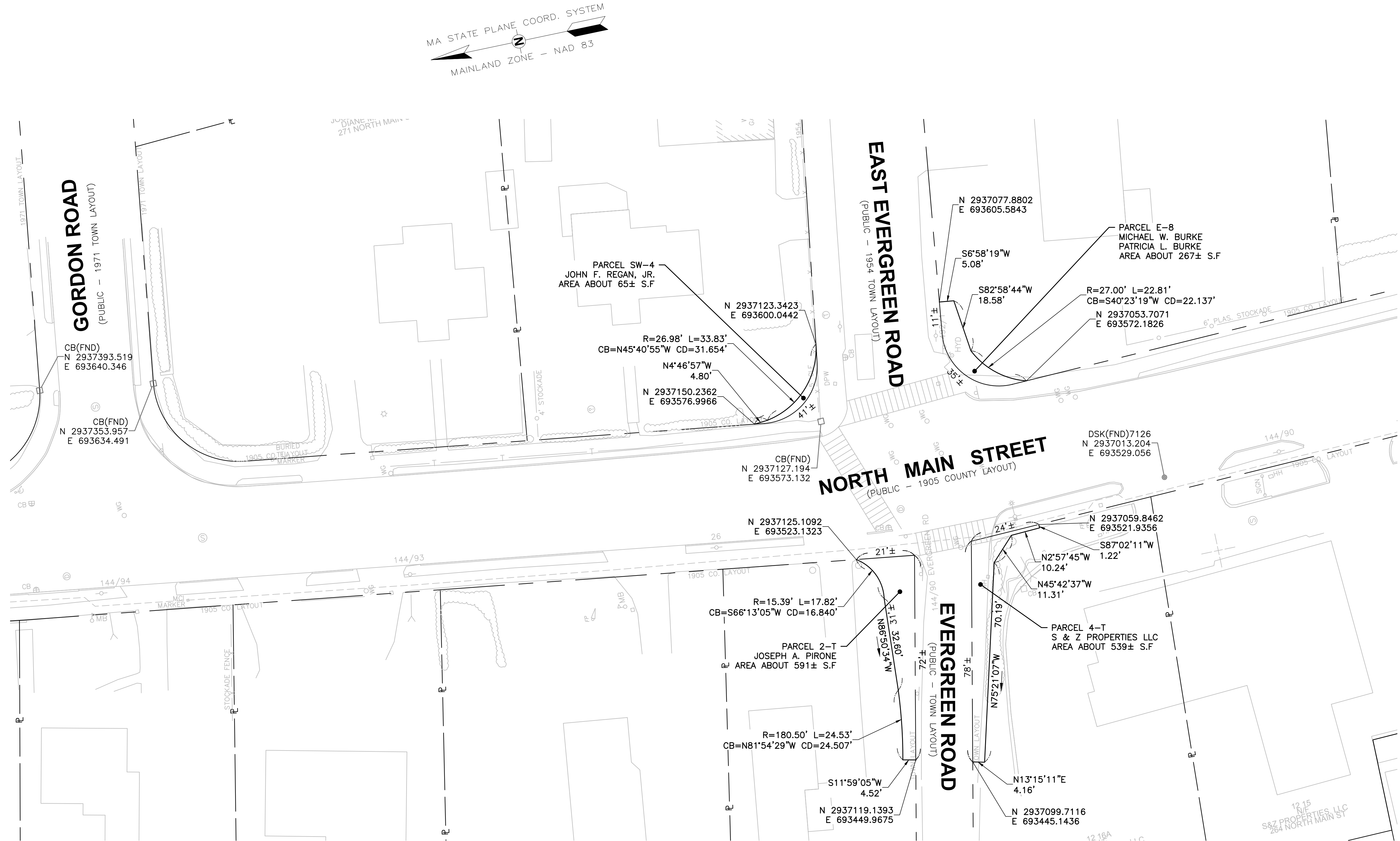
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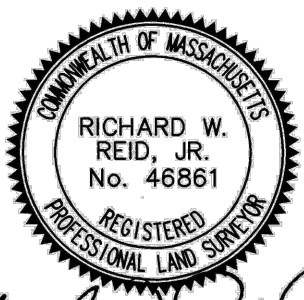


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*Richard W. Reid, Jr.*  
PROFESSIONAL LAND SURVEYOR

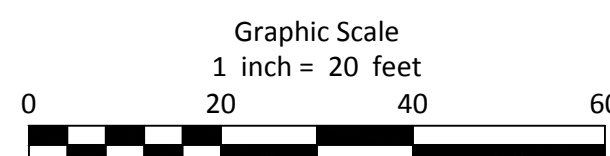
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DRWN BY: JAW  
CHK'D BY: ZRB  
APRVD BY: RWR



PREPARED BY:



**LIGHTHOUSE LAND SURVEYING, LLC**

75 KIMBERLY ROAD - TAUNTON, MASSACHUSETTS

Tel. 508 - 287 - 0896

website: [www.lighthouselandsurveying.com](http://www.lighthouselandsurveying.com)

PROJECT:

ROUTE 27 ROADWAY IMPROVEMENTS  
NORTH MAIN STREET  
(MIDDLESEX COUNTY - SOUTH DISTRICT)  
NATICK, MASSACHUSETTS

TITLE:

**LAYOUT ALTERATION**

PREPARED FOR:

BETA Group, Inc  
315 Norwood Park South - 2nd Floor  
Norwood, MA 02062

DATE:

APRIL 2, 2019

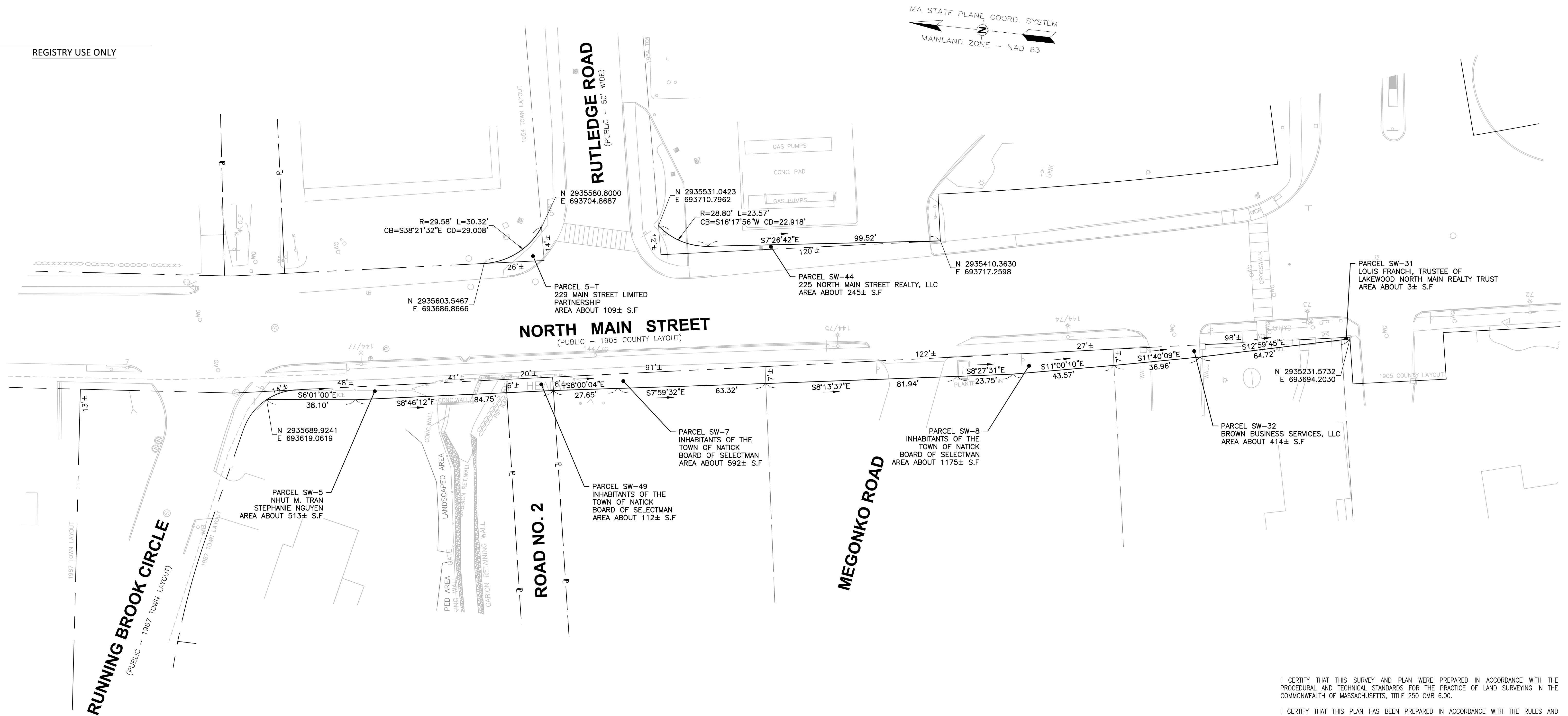
3 OF 9

SHEET NO. 3

ROW\_NORTH\_LR1.DWG



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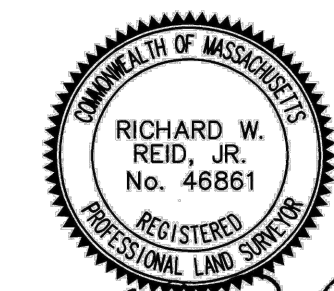


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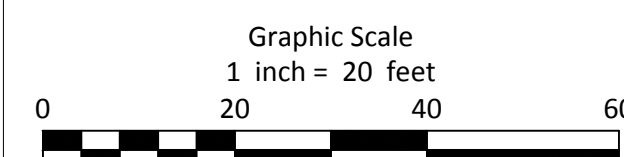


*Richard W. Reid, Jr.*  
PROFESSIONAL LAND SURVEYOR

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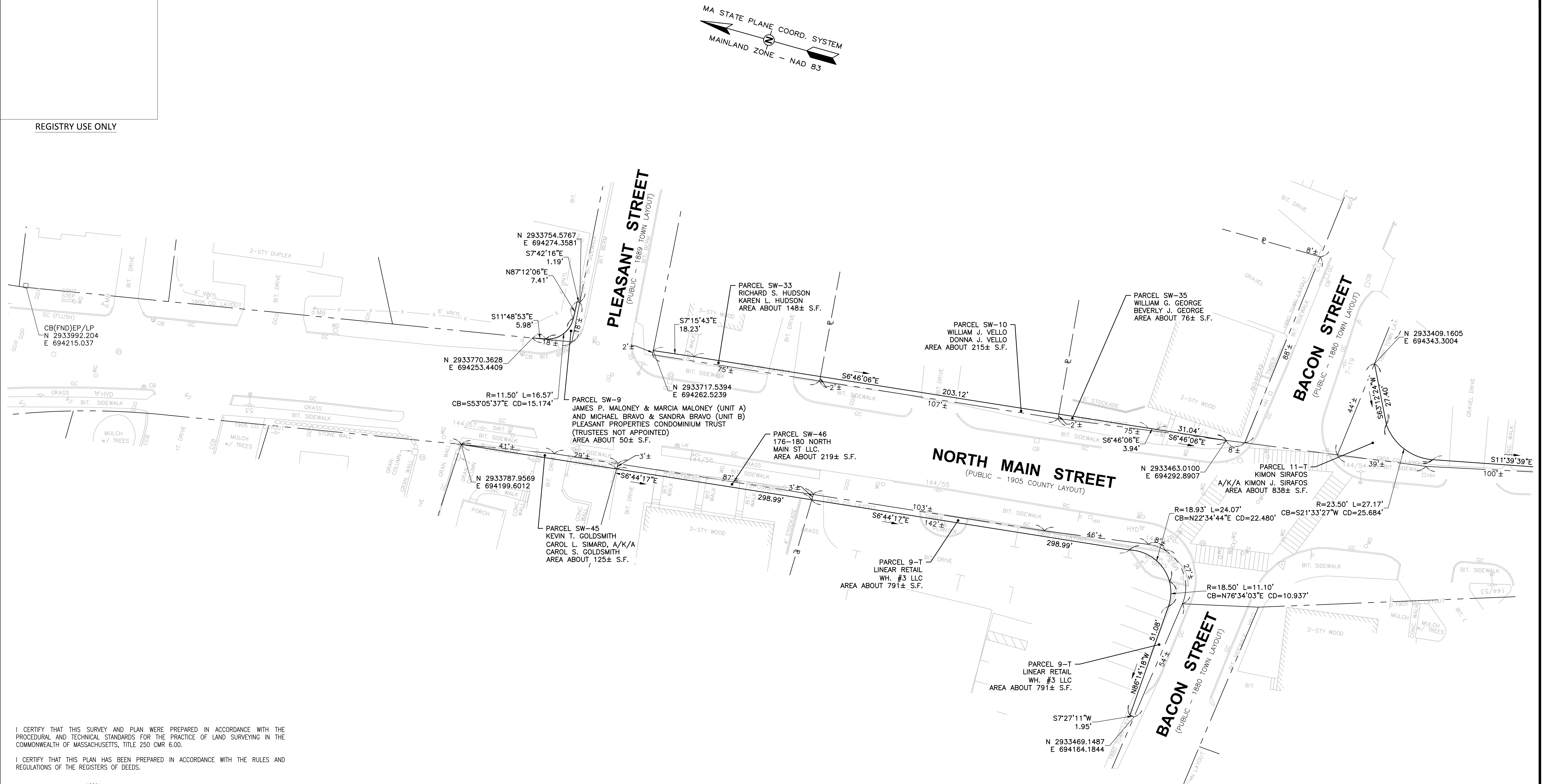
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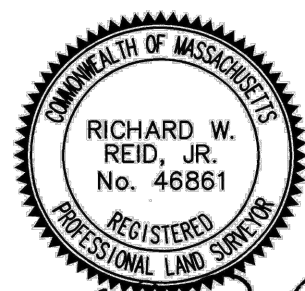


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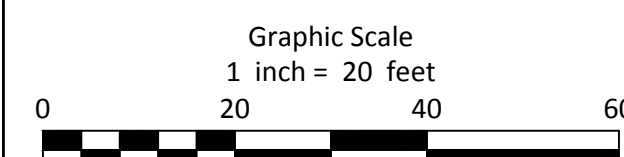
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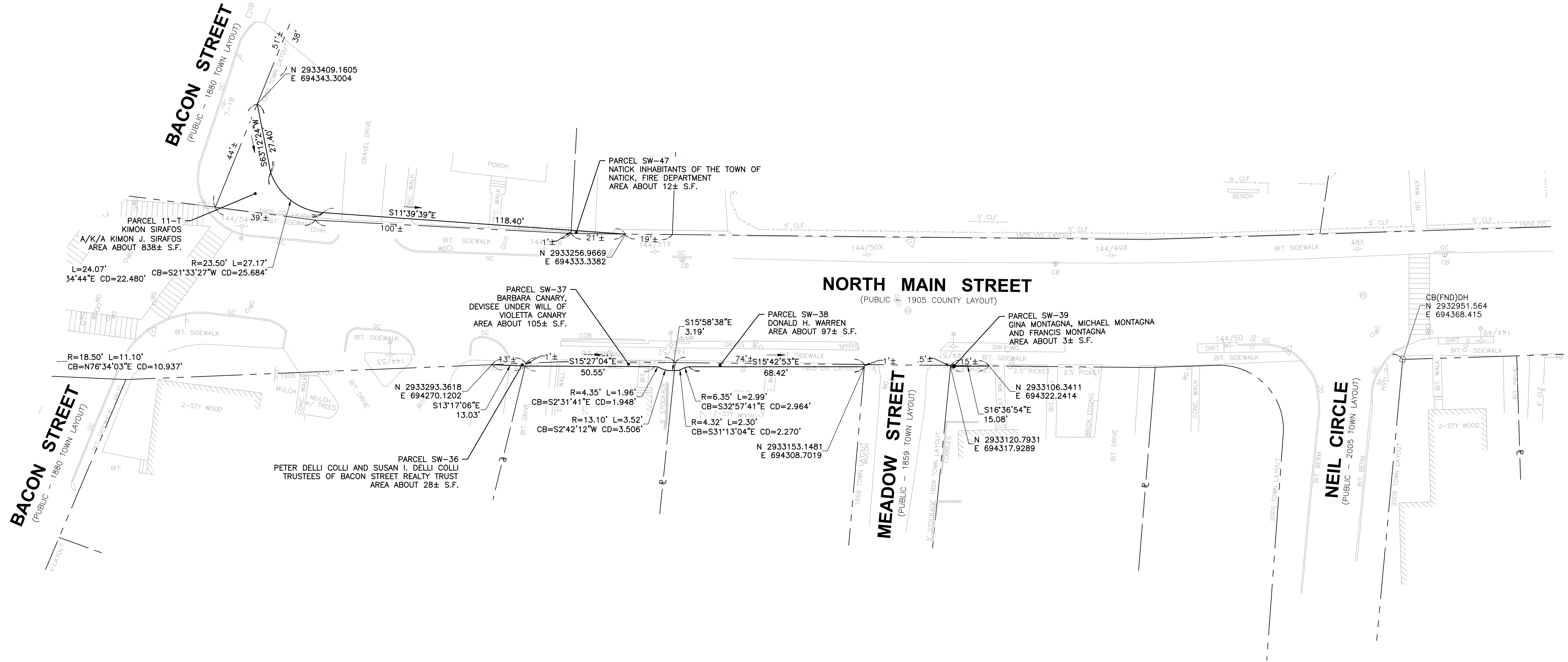
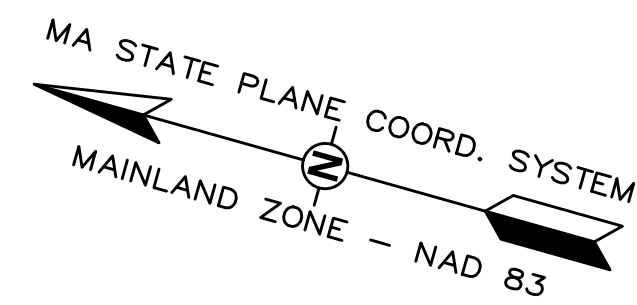
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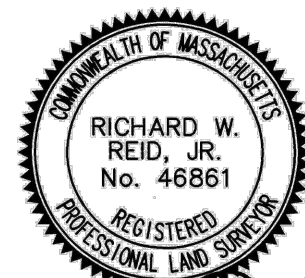


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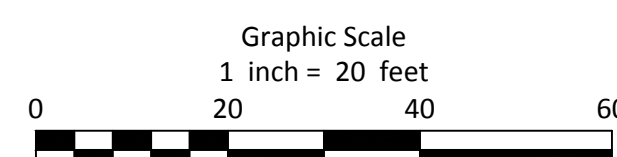
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6 OF 9

SHEET NO.:

6

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MA STATE PLANE COORD. SYSTEM  
MAINLAND ZONE - NAD 83

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PARCEL SW-11  
THOMAS MANDINO  
DEBORAH A. MAEL  
AREA ABOUT 14± S.F.

NORTH MAIN STREET  
(PUBLIC - 1905 COUNTY LAYOUT)

FISHER STREET  
(PUBLIC - 1876 TOWN LAYOUT)

PARCEL SW-48  
ERIC M. ANDERSON  
JENNIFER D. ANDERSON  
AREA ABOUT 71± S.F.

PARK AVENUE  
(PUBLIC - 1877 TOWN LAYOUT)

PARCEL SW-18  
DANIEL C. CIOCCA  
JEANNE M. CIOCCA A/K/A  
JEANNE F. CIOCCA  
(LIFE ESTATE)  
AREA ABOUT 185± S.F.

PARCEL SW-15  
TOWN OF NATICK  
AREA ABOUT 12± S.F.

PARCEL HW-11  
TOWN OF NATICK  
AREA ABOUT 49± S.F.

PARCEL HW-12  
TOWN OF NATICK  
AREA ABOUT 197± S.F.

PARCEL HW-13  
TOWN OF NATICK  
AREA ABOUT 1084± S.F.

PARCEL 16-T  
LANDMARK REALTY TRUST  
GEORGE C. FUNARI, TRUSTEE  
AREA ABOUT 346± S.F.

WASHINGTON STREET  
(PUBLIC - 1924 TOWN LAYOUT)

LAKE STREET  
(PUBLIC - 1924 TOWN LAYOUT)

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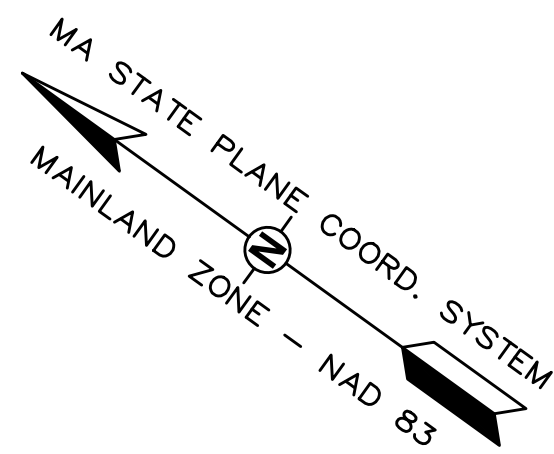
RICHARD W. REID, JR.  
No. 46861  
REGISTERED  
PROFESSIONAL LAND SURVEYOR

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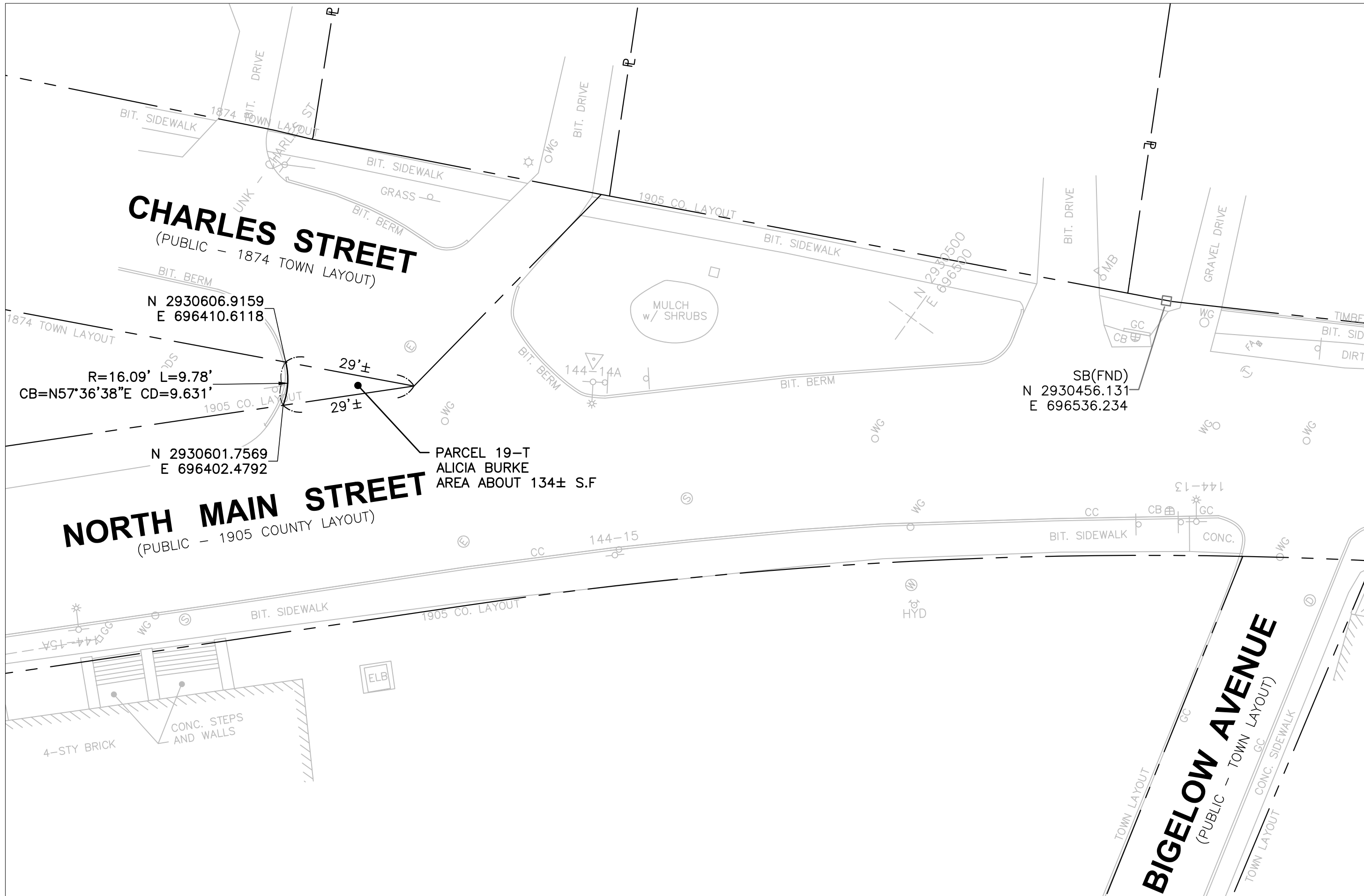
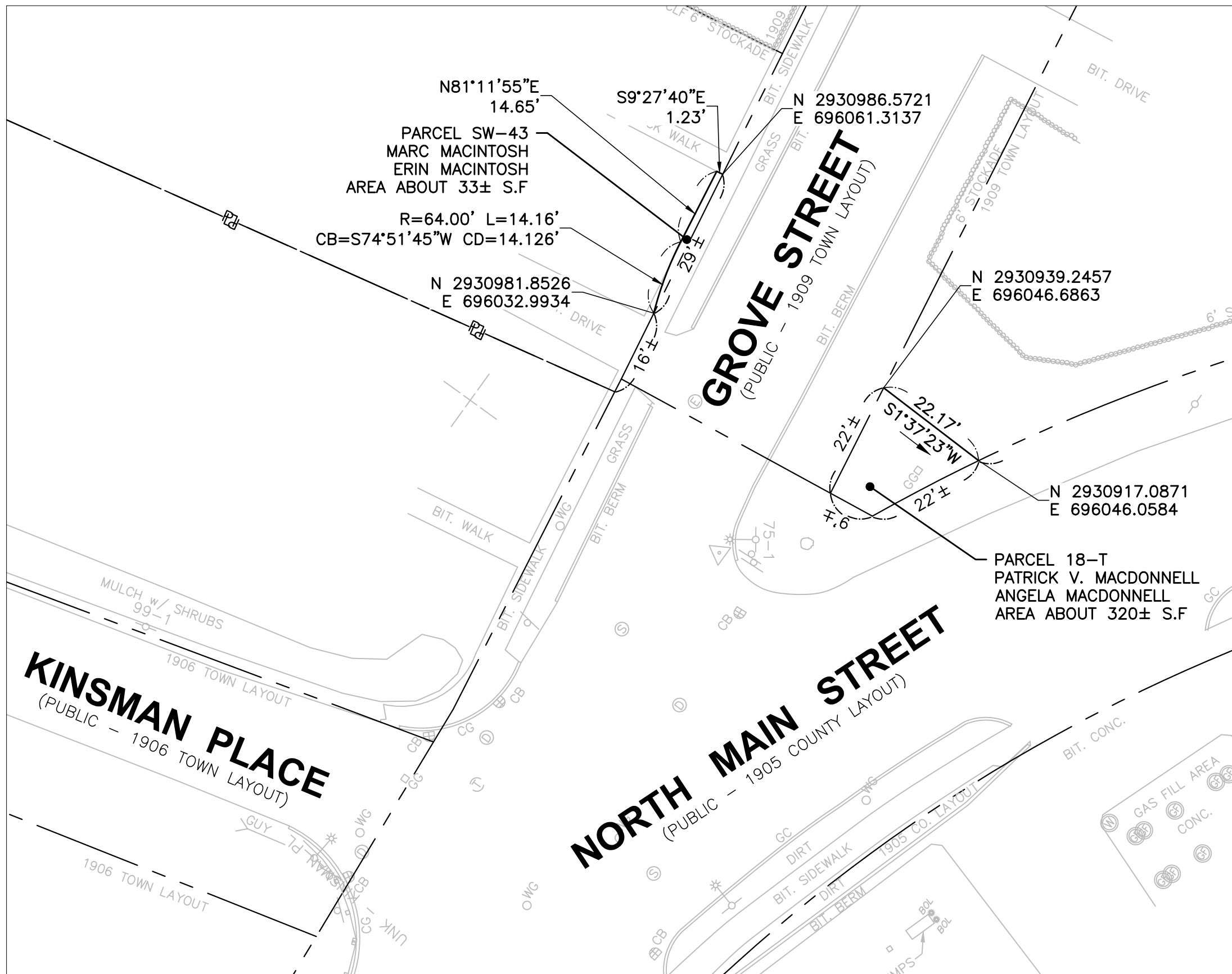
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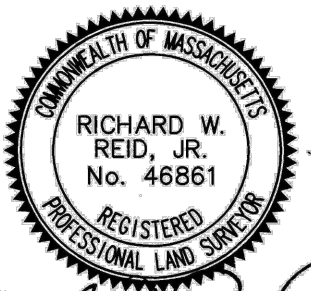


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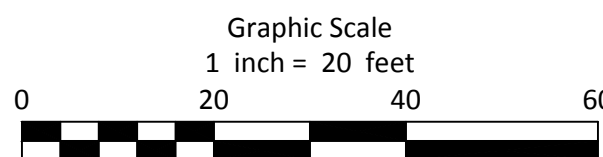
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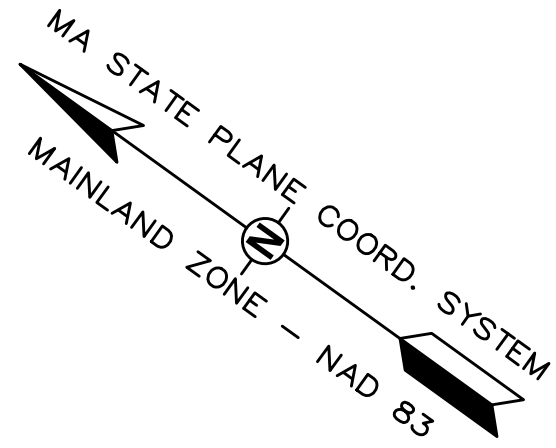
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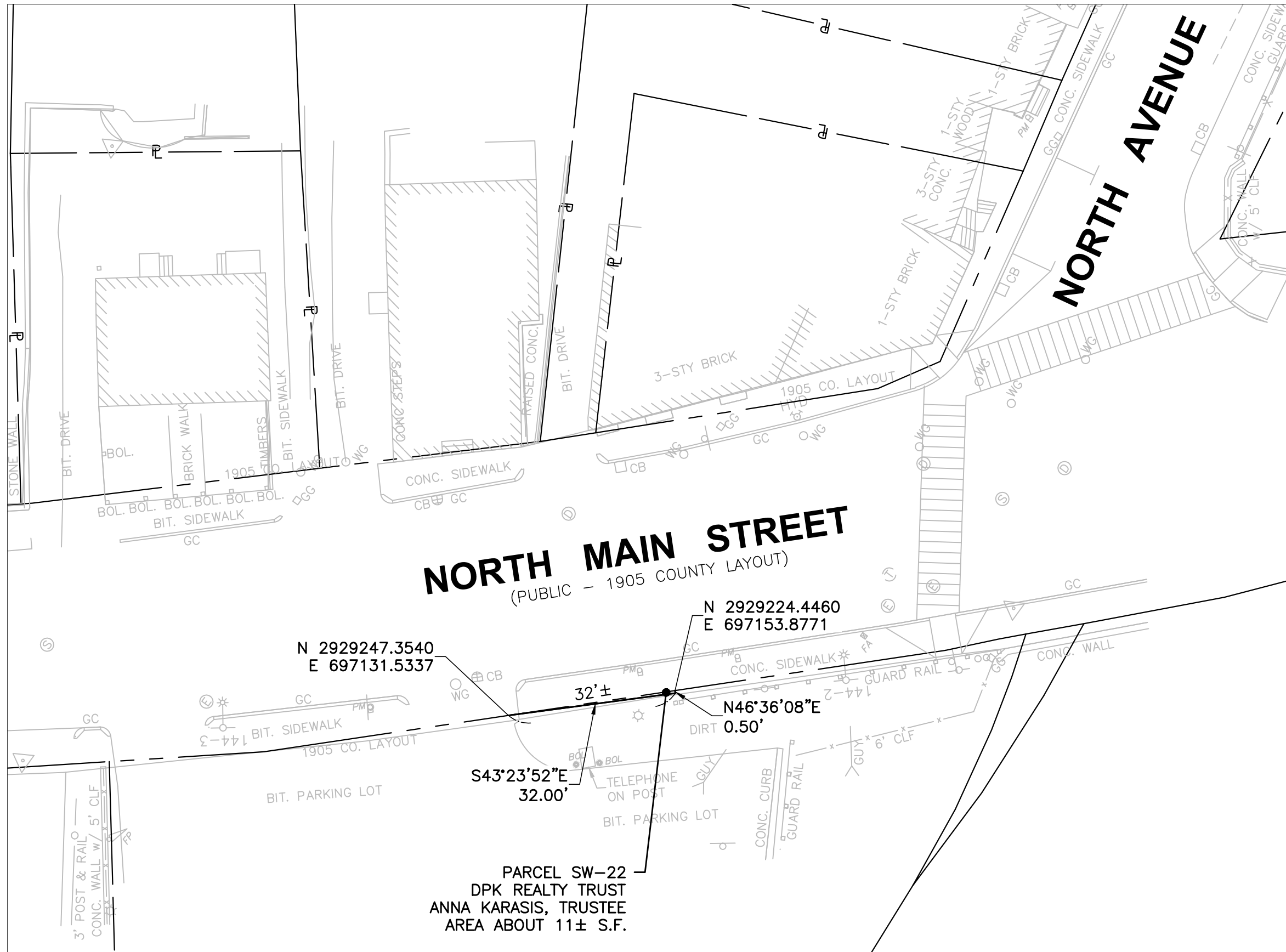
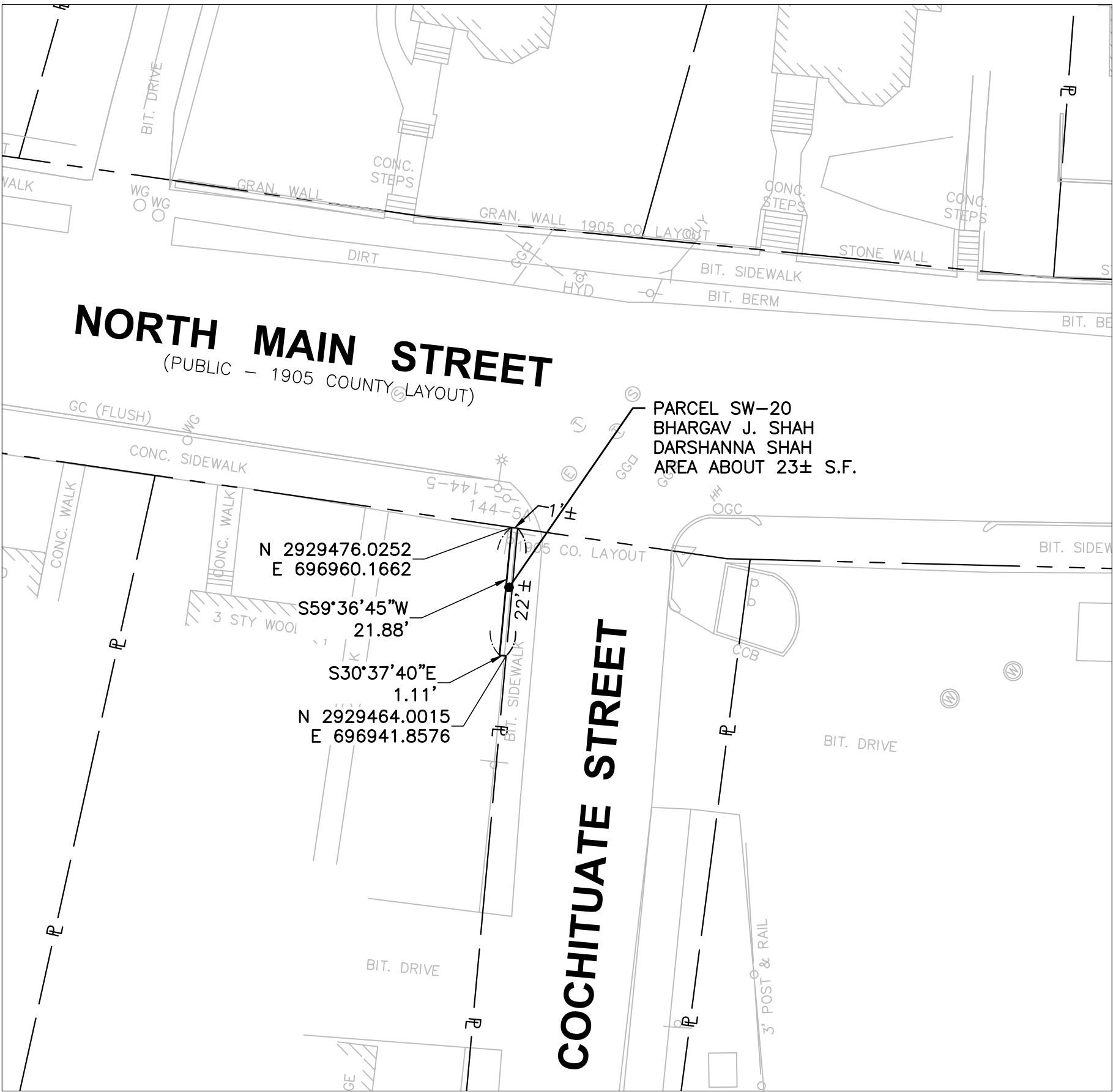
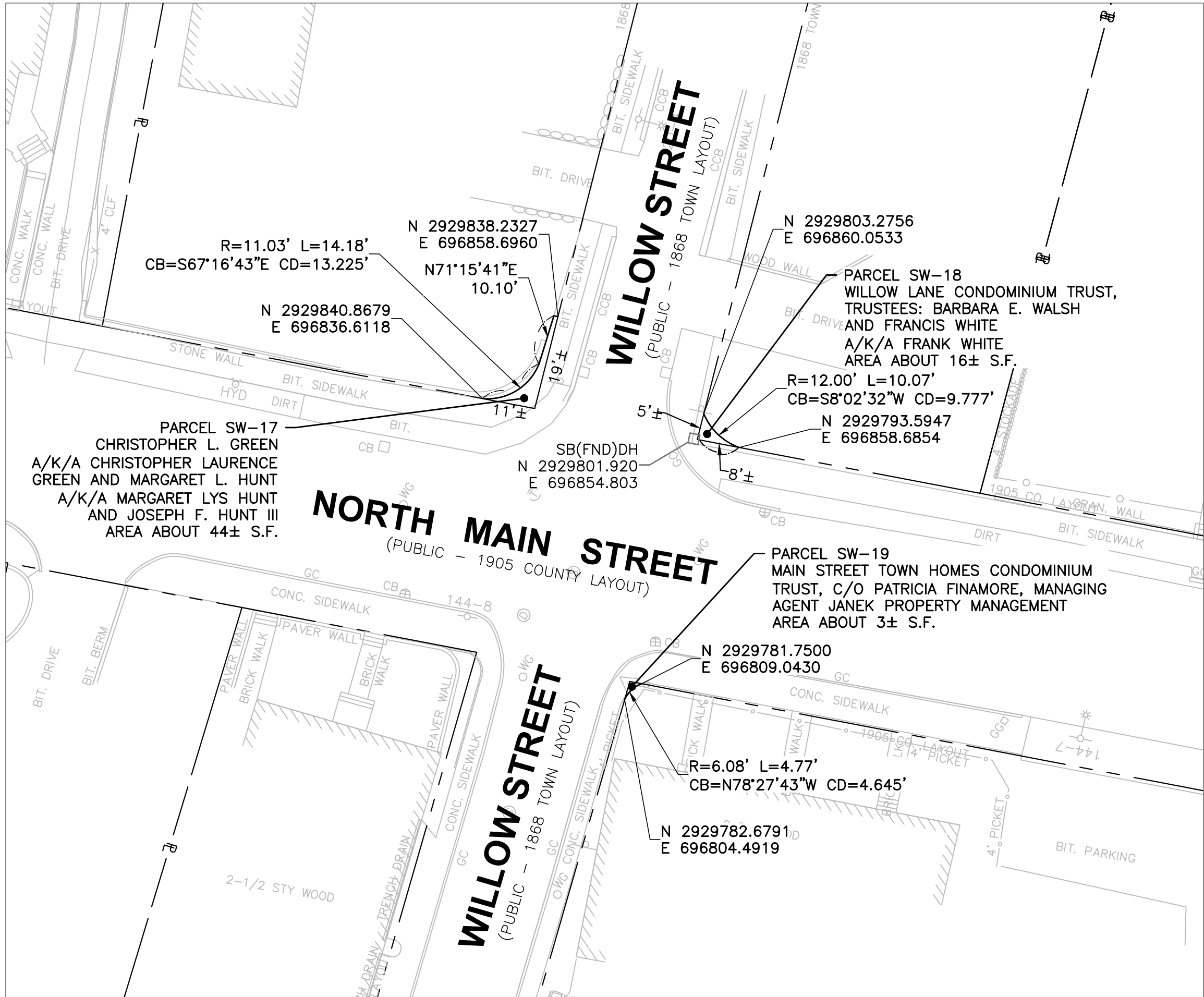
8 OF 9  
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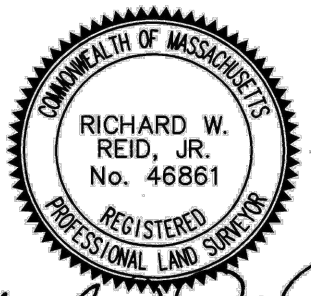


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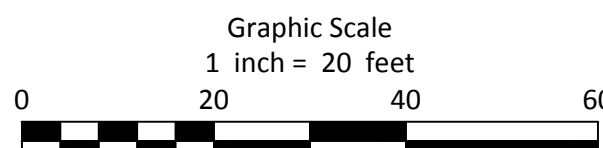
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**ITEM TITLE:** Discussion as it related to FATM Warrant Articles

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 12: Capital Improvements  
**ITEM SUMMARY:**

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**ITEM TITLE:** Article 11: Capital Equipment

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 13: Committee Article

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 14: Increase Gross Receipts For Eligibility for Property tax Deferral Program

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 29: Adjust Housing Density and Residential Parking Regulations in the  
Downtown Mixed-Use District

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 29 Questionnaire Response & Motion	9/19/2019	Exhibit

# Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 29	Date Form Completed: 09/18/2019
Article Title: <b>Adjust Housing Density and Residential Parking Regulations in the Downtown Mixed-Use District</b>	
Sponsor Name: Ganesh Ramachandran & Randy Jackson	Email: Natickgram@gmail.com

Question	
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	<p><b>Motion A:</b> <u>Move to amend the Town of Natick Zoning Bylaws by replacing the text “; and” at the end of Article III-E, Section 2, subsection b-1-ii, with “.” and by deleting the entirety of Article III-E, Section 2, subsection b-1-iii, which reads</u></p> <p>“iii. the total number of multi-family units shall not exceed the number computed by taking the:</p> <ul style="list-style-type: none"> <li>a. Gross Land Area of the parcel times the Maximum Percentage Building Coverage</li> <li>b. multiplied by the number of floors in the building</li> <li>c. multiplied by the portion of the Gross Floor Area attributable to residential uses in the building</li> <li>d. divided by the Gross Floor Area in the building, and</li> <li>e. divided by 2,500</li> </ul> <p>The portion of the Gross Floor Area attributable to residential uses shall include i) corridors and common areas on residentially used floors, ii) storage areas for residential use, and iii) the proportional share of common corridors and common areas for all uses in a mixed-use building, and (iv) the square footage of residential units”</p> <p><b>Motion B:</b> <u>Move to amend the Town of Natick Zoning Bylaws by deleting the following text in Article V-D, Section 3, subsection b:</u></p> <p>“In a DM district there shall be one (1) space for a studio apartment, two (2) spaces for a 1 or 2 bedroom unit, and three (3) spaces for units having three (3) or more bedrooms, all of such spaces to be provided on-site. (Art. 45 S.T.M. April 7, 1987)”</p>

2	<b>At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?</b>
Response	<ul style="list-style-type: none"> <li>❖ Encourage a mix of housing types and sizes, at a range of affordable price points</li> <li>❖ Increase housing options for single-person households, empty-nester couples, veterans, persons with disabilities, and long-term Natick residents who seek to downsize while remaining in Natick</li> <li>❖ Encourage car-free, or minimal car ownership households proximate to the Natick Center Commuter Rail station to reduce new demand on traffic and parking</li> <li>❖ Support new businesses with a walkable neighborhood that enlivens Natick Center and provides desirable restaurant and retail alternatives for residents and visitors.</li> </ul> <p>This article will achieve these objectives by removing a density formula that limits opportunities for beneficial development and re-development in our Town center, and by removing a requirement that promotes greater offsite parking than is required elsewhere in Natick.</p>
3	<b>What does the sponsor gain from a positive action by Town Meeting on the motion?</b>
Response	<p>I do not have any commercial or equity interest from a positive action by Town Meeting on the motion.</p> <p>As a licensed planner certified by the American Planning Association, I believe it is also my professional responsibility to advocate for policies that are in the general interest of my community here in Natick</p>
4	<b>Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?</b>
Response	<p>I envision a Natick Center with a rhythm of life beyond 9am-5pm, which offers the opportunity for the residents to live, work and thrive. I envision a transformation from a token “Downtown Mixed-use District” to a truly inclusive “Downtown Neighborhood” that provides a range of accessible and affordable housing choices for a town where more than 20% of residents are over 55 years of age. By providing opportunities for appropriately scaled, mix-use development, we encourage investment in both residential solutions for people with few housing choices, such as Natick’s seniors, people with disabilities, and young singles and couples who have limited choices if they want to remain in our community. In addition, by scaling back on-site parking requirements so they are not greater than what is required outside of the DMU, we do make DMU development more cost-effective and less automobile-dependent.</p>

5	<b>How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations</b>
Response	The proposed motion and its implementation will further the collective goals of the Town residents as established by the Natick 2030 Master Plan. As one of the Master Plan Advisory Committee members who helped shape the Master Plan over a 12-month period, I am confident that this proposed motion is aligned with the Master Plan.
6	<b>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</b>
Response	<p>I have not undertaken any quantitative analysis for this motion. However, as a planner and an urban designer I have led and facilitated downtown revitalization and neighborhood development efforts in towns such as Cambridge, MA, Somerville, MA, Dublin, OH, Mountain View, CA, Palo Alto, CA, Alexandria, VA among others – all of them grappling with similar issues of growth, housing affordability, traffic, and lack of sufficient smaller housing stock for the aging boomers and single-family households.</p> <p>While each of the above cities, towns and suburbs are unique in their own right, the article furthers “Smart Growth” principles advocated by the US Environmental Protection Agency, The American Planning Association, Congress of New Urbanism, and the Metropolitan Area Planning Council.</p>
7	<b>Who are the critical participants in executing the effort envisioned by the article motion?</b>  <b>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</b>
Response	Community & Economic Development, Town of Natick; Downtown Business Owners; Local Developers and Natick Residents.
8	<b>What steps and communication has the sponsor attempted to assure that:</b> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	I have already presented to the Board of Selectman and received a favorable response. I am scheduled to present to the Natick Affordable Housing Trust (of which I am a member) and to the Planning Board

9	<b>Why is it required for the Town of Natick AND for the sponsor(s)?</b>
Response	The recent fire has been devastating to the businesses that have lost their home. It's going to be extremely challenging to rebuild the site (and develop others) with current density restrictions. Furthermore, it will be a missed opportunity if rebuilding proposals end up adding to Town's luxury condo stock instead of enlivening the downtown with smaller, less car-dependent units that are accessible and affordable, and with the first-floor retail/restaurant establishments that are in public demand.
10	<b>Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?</b>
Response	The article petition factors all pertinent issues that I am aware off.
11	<b>What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish</b>
Response	Almost all "Housing Production Plans" developed for Metro West towns and communities (Wellesley 2018, Wayland 2016, Sudbury 2016, Southborough 2015, Ashland 2014), highlight need for housing options for single-person households, empty-nester couples, veterans, persons with disabilities, and long-term residents who choose to "age-in-place".
12	<b>If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.</b>
Response	<p>If this Warrant Article is not approved, the current density regulations is likely to encourage the production of larger luxury condos in the Downtown Mixed-use District. Any developer who chooses to work with strict limits on unit density, will seek to maximize the as-of-right developable area with larger units, making them more suitable for households with school-age children increasing automobile traffic in the downtown area.</p> <p>Such developments will come at a deep societal cost of a missed opportunity to implement regulations that favor the production of smaller units compatible with the needs and budgetary limitations of long-term Natick residents who choose to "age-in-place", persons with disabilities and Veterans seeking permanent housing solutions.</p>

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**ITEM TITLE:** Article 44: Rezone Properties Known as 1075 & 1085 Worcester Street from Industrial II to Highway Mixed Use I

**ITEM SUMMARY:**

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**ITEM TITLE:** Town Meeting Recommendation Book - draft

**ITEM SUMMARY:**

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