

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

October 3, 2019 at 7:00 PM

MEETING AGENDA

Posted: Tuesday, October 1, 2019 at 3:30 PM

Revised and Posted: Wednesday, October 2, 2019 to reflect the removal of certain agenda items that were closed at the October 1 meeting

1. **Call to Order**
2. **Announcements**
3. **Public Comments**
 - a. Committee policy & procedures available via this link and also at the meeting location
4. **Meeting Minutes**
 - a. Review & Approve September 10, 17, 19, 24 and 26 2019 Meeting Minutes
5. **2019 Fall Town Meeting Warrant Articles - Public Hearing**
 - a. Article 2: Stabilization Fund
 - b. Article 3: Operational/Rainy Day Stabilization Fund
 - c. Article 4: Capital Stabilization Fund
 - d. Article 5: Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds
 - e. Article 6: Collective Bargaining
 - f. Article 8: PEG Access and Cable Related Fund - Possible Reconsideration
 - g. Article 9: Rescind Authorized, Unissued Debt
6. **Committee Discussion (for items not on the agenda)**
 - a. Town Meeting Recommendation Book - draft
7. **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.

SUBMITTED BY

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

ATTACHMENTS:

Description	Upload Date	Type
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.

ITEM TITLE: Review & Approve September 10, 17, 19, 24 and 26 2019 Meeting Minutes
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Sept 10 Minutes draft 2	9/30/2019	Exhibit
Sept 17 Minutes draft 1	9/30/2019	Exhibit
Sept 19 Minutes Draft 1	9/30/2019	Exhibit



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: September 10, 2019

The minutes were approved through the following action:

Motion:	TBD
Made by:	name
Seconded by:	name
Vote:	vote
Date:	date, 2019

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES



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 10, 2019 at 7:00 PM

MEMBERS PRESENT:

Linda Wollschlager, Vice-Chairperson
Bruce Evans, Clerk
Michael Linehan, Member
David Coffey, Member
Jim A. Scurlock, Member
Daniel Sullivan, Member
Philip Rooney, Member
Jeff DeLuca, Member
Jerry Pierce, Member
Tony Lista, Member

MEMBERS ABSENT:

Kristine Van Amsterdam, Member
Patrick Hayes, Chair
Dirk Coburn, Member
Bill Grome, Member

AGENDA:

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
 - d. Swearing in of New and Newly Appointed Member
2. Announcements
3. Public Comments
 - a. Committee policy & procedures available via this link and also at the meeting location
4. Meeting Minutes
 - a. Discuss and Approve Meeting Minutes for: March 19, March 21, April 4, Sept 3, 2019
5. 2019 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 15: Street Acceptance-Eliot Hill Road, Merifield Lane, Woodcock Path](#)
 - b. [Article 16: Street Acceptance – Michael Terrace](#)
 - c. [Article 17: Street Acceptance – Clearview Terrace](#)
 - d. [Article 18: Amend Article 70 of the Town of Natick By-Laws: Public Works Regulations](#)
 - e. [Article 20: Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel](#)
 - f. [Article 22: Amend Article 20 of the Natick Town Bylaws](#)
 - g. [Article 23: Alteration of Layout of North Main Street \(Route 27\) and Adjacent Streets](#)
 - h. [Article 24: Transfer of Land and Grant of Easement to Natick Affordable Housing Trust: 299-301 Bacon Street](#)
6. Committee and Sub-Committee Scheduling
7. Committee Discussion (including items not on the meeting agenda)
8. Adjourn

CALL TO ORDER

Meeting called to order at 7:00 p.m. by Vice Chair, Linda Wollschlager. Ms. Wollschlager said that the Finance Committee would review the articles in this order: 20, 18, 17, 15, 16, 22, 23, and 24.

ANNOUNCEMENTS/CITIZENS CONCERNS:

None

PUBLIC COMMENTS

Ms. Cathi Collins, Member School Committee read the following letter.



September 10, 2019

Dear Board of Selectmen,

We write to you to share our serious concern about the impact the current town government accounting process has on the school department. There have been several attempts to improve the process over the past two years, and more specifically over the past four months, but the efforts have fallen short. **This issue is particularly urgent because the school department is currently unable to close the books for FY19 due to lack of information.** We feel it is important to have a public discussion of the issue so that we can share the negative impact the current process has on the ability of the school department to function efficiently and transparently.

Timeliness of requisition and purchase order process

The first issue is the speed at which purchase orders are processed and invoices paid. The process is paper-intensive and centrally controlled. Use of paper increases time for processing and central control means very few individuals can process requests. The school department has had to develop “work-arounds” simply to make it possible for teachers and staff to be able to purchase the supplies they need to operate. The following work-arounds have been utilized to ensure schools can operate in service to students:

4. “Open” purchase orders - created at start of year
5. Invoices paid without purchase orders - “non-p.o warrants”
6. Reimbursements to employees for charges made

The School Committee believes the current system is unacceptable. The Town of Natick employs a powerful accounting system in MUNIS. We should not be operating outside of it, tracking requisitions, purchase orders, and invoices on Excel spreadsheets and paying for items without the appropriate tracking procedures. It is our responsibility as School Committee members to accurately track the budget and ensure funds are being spent as the citizens of Natick intended. We cannot do so within the current system.

We can tell you that the impacts of this outdated, slow and lengthy process are

very real for our students and staff as well. In May, just before the busy spring concert season, our music software system was shut down because payment had not been received. In July, the school department came within one day of having our entire network shut down because a requisition had not been converted to a purchase order. As we know you understand, this situation is untenable.

As alluded to earlier, the current process is controlled by the very few individuals who have access to the municipal finance system MUNIS. At a meeting in May, a commitment was made to expand access to MUNIS within the schools such that the purchase order process could be initiated by a larger number of users. Increased access to MUNIS is imperative so that we can more effectively manage the school budget and track expenses in a timely manner throughout the year.

While increased access has been granted, there has been no agreement on internal process to capitalize upon that increased access. This increased access is useless without meaningful reform to the internal process. There has been no attempt to discuss any revisions to the process that would allow the school department to operate in a fully transparent and efficient way. We are appreciative that Mr. Townsend accompanied Dr. Gray on a site visit to another school district on August 7th to learn more about the ability of MUNIS to increase transparency within the purchase order process. However, there has been no follow up to the visit and no indication of any change.

Day-to-Day Financial Management

Currently, the business office of the district is not able to input any of their own accounting records, such as “journal entries.” This is not a matter of control, but rather a necessary practice for the district to actively manage and monitor funds in various accounts. Relying upon individuals outside the district office, who understandably operate under different timelines and time constraints, is not an effective or transparent method of financial management.

We believe it is important to remember that the school department operates differently than other town departments. According to state law, “the city of town appropriating body is authorized to make non-binding monetary recommendations to increase or decrease certain items allocating such appropriations, but it may not limit the school committee's authority to determine expenditures within the total appropriation. (G.L. c. 71, [[section]] 34) The school committee remains the body responsible for approving and transmitting school department expenditures to the municipal accountant for the drawing of warrants.” In addition to state law, The Town of Natick Home Rule Charter states: “He (Town Administrator) shall be

responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, **except for the school department.”**

Staffing and Scope of Responsibility

Because the current system requires all items go through town accounting department, it is inevitable that responses are delayed and items overlooked given the sheer volume of requests received. In addition, the school department continues to receive questions regarding purchases that are beyond the scope of responsibility of town staff. Unlike other town departments, the school department, per state statute, employs not only a chief financial officer, but also a fully staffed business office to manage and provide oversight for the day-to-day financial practices of the district. Recent questions regarding payment of Kennedy Building invoices, as well as a proposal to manage the \$110 million Kennedy project with separate purchase orders, has sparked deep concern about knowledge and capacity within town departments.

We know the financial management process in town government is complex and checks and balances are necessary to ensure precision, transparency, and accuracy. However, the current processes are impeding the ability of the school department to function effectively. It is within your purview to take action to reform this process, both to allow the school department to operate more transparently and to better serve the citizens of the town.

Sincerely,

The Natick School Committee

Julie McDonough, Chair

Matthew Brand, Vice-Chair

Donna McKenzie, Clerk

Cathi Collins

Shai Fuxman

Henry Haugland

Hayley Sonneborn

Mr. Michael Hickey, Chair, Board of Selectmen acknowledged the receipt of this letter and would review the letter and try to address the concerns and develop workarounds.

MOTION

Mr. Evans moved to open the 2019 Fall Annual Town Meeting Warrant Article Public Hearing, seconded by Mr. Coffey, Voted 10 – 0 – 0.

[Article 15: Street Acceptance-Eliot Hill Road, Merifield Lane, Woodcock Path](#)

Presenters:

Mr. Jeremy Marsette, Director Dept. of Public Works (DPW)

Mr. Michael Hickey, Chair, Board of Selectmen

Mr. Bill Chenard, Deputy Town Administrator, Operations

Mr. Hickey said that there are cases where the roadway was not accepted even though there was an approved subdivision plan. Some roads had portions that accepted roadways whereas other parts of the roadway were unaccepted.

Clearview Terrace and Michael Terrace are two such examples and were on the Roadway Improvement plan. Without Articles 15, 16, & 17, the town would only be able to re-pave portions of these two roads which is unacceptable.

Mr. Chenard noted that all roadways in Articles 15, 16, & 17 have a subdivision plan with street layouts that is on file at the Middlesex South Registry of Deeds, so there is no design cost to layout these roadways. The only costs are legal fees and the cost to implement this acceptance following Town Meeting approval.

Mr. Marsette noted that several years ago, Natick created a simplified procedure for street acceptance that was approved by the State Atty. General. These procedures apply to roadways that were approved by the Planning Board under the Modern Subdivision Control Regulations. Unfortunately, this procedure doesn't apply to all 26 miles of private ways, only somewhere on the order of 4-5 miles. However, it still requires that all abutters agree to this street acceptance which means they relinquish their property rights to the roadway via a "gift" to the town, resulting in a permanent transfer of ownership to the town. Most of the abutters on these roadways have signed a letter of intent with the town to accept the roadway. Approximately, 2600 feet of Eliot Hill Road, 660 feet of Merifield Lane, 450 feet of Woodcock Path, 380 feet of Michael Terrace, and 640 feet of Clearview Drive would be accepted under these motions. In the past, there have been three acceptances of sections of Eliot Hill Road in 1970, 1975 and 1978 and this will enable the entirety of Eliot Hill Road to be an accepted roadway and be re-paved next year. All told, it's a little less than one mile of previously private roadways that will become accepted roadways. Chapter 90 funding is not simply based on roadway miles, but this additional mile will provide an estimated \$7800 in additional annual roadway maintenance funding.

Questions from the Committee

Mr. Rooney asked for clarification of the term "abutters". In this context, Mr. Marsette said it is both property owners adjacent to the roadway as well as roadway owners.

Mr. Rooney asked whether individual lots on unaccepted roadways owned by individual owners or a subdivision developer. Mr. Marsette said that these subdivisions were approved in the 1960s according to the plans of record and the roadways were built shortly after that and have had this layout – street layout, sidewalk, drainage since that time. These have all been sold off to private owners of the property.

Mr. Rooney asked whether the town had reached out to all residents of a street both the accepted and unaccepted portions. Mr. Marsette said they had only

reached out to those on the unaccepted portions since those on the accepted portion of these roadways aren't affected by this acceptance of the previously unaccepted portion of the roadway. Residents on the accepted portion have been informed that the road is on the 5-year re-paving plan.

Mr. Sullivan asked whether this situation is unique to Natick or common to other communities and noted that a study showed that Natick seemed to have a disproportionate number of unaccepted roadways. Mr. Marsette said this is an issue that confronts many communities. Mr. Chenard added that the reason for the unaccepted roads is developers who did not follow through to completion the roadway acceptance process; in some cases due to the developer bankruptcy. Mr. Scurlock asked for clarification of what the purpose of \$1000 request was.

Mr. Chenard confirmed that it was legal and filing fees.

Mr. Linehan asked what was meant by "accepted incrementally" since the definition of "accepted" may have shifted from concrete curbing to granite curbing to Cape Cod berms. Mr. Marsette said these roads were built publicly 50 years ago and they look very similar to publicly accepted roads of this vintage – with granite curbing on the radius and bituminous berms in the case of Eliot Hill Road and grass strips and sidewalks.

Mr. Evans provided a point of information on Cape Cod berms which is a bituminous berm that is rounded and high enough to keep water flowing in the street toward catch basins.

Ms. Wollschlager asked for confirmation of whether any of the subdivision plans would need to be re-examined. Mr. Chenard noted that they have examined the subdivision plans and compared them to the actual roadways. There is only one change that affects Article 15 – when the town accepted those roadways, the names on the original plans are different from the names of today's owners that should not affect the ability to accept the road, but has been noted for tracking purposes.

Mr. Pierce moved Favorable Action on subject matter of Article 15, seconded by Mr. Sullivan, Voted 10 – 0 – 0.

[Article 16: Street Acceptance – Michael Terrace](#)

Mr. Jeremy Marsette, Director Dept. of Public Works (DPW)

Mr. Michael Hickey, Chair, Board of Selectmen

Mr. Bill Chenard, Deputy Town Administrator, Operations

Concurrent discussion of Articles 15, 16, & 17

Mr. Evans moved Favorable Action on subject matter of Article 15, seconded by Mr. DeLuca, Voted 10 – 0 – 0.

[Article 17: Street Acceptance – Clearview Terrace](#)

Mr. Jeremy Marsette, Director Dept. of Public Works (DPW)

Mr. Michael Hickey, Chair, Board of Selectmen

Mr. Bill Chenard, Deputy Town Administrator, Operations

Concurrent discussion of Articles 15, 16, & 17

Comments from the Public

Mr. Jonathan Faigel, 16 Clearview Drive said he has lived there for 25 years and noted it will be a great benefit to the neighborhood to improve road safety since many children ride their bikes on this road.

Mr. Evans moved Favorable Action on subject matter of Article 15, seconded by Mr. Scurlock, Voted 10 – 0 – 0.

[Article 18: Amend Article 70 of the Town of Natick By-Laws: Public Works Regulations](#)

Mr. Jeremy Marsette, Director Dept. of Public Works (DPW)
Mr. Michael Hickey, Chair, Board of Selectmen
Mr. Bill Chenard, Deputy Town Administrator, Operations

Mr. Hickey said this article and (Articles 16 & 17) deal with how the town deals with unaccepted roads (also known as private ways). Article 18 is part of a larger discussion of how the DPW services unaccepted roads. Article 18 is phase one of this plan and seeks to update the town bylaws pursuant to authority provided to towns to in MGL c. 40, §6N that allows towns to achieve a measure of liability protection that we don't have in our existing bylaws. At the same time, it will allow for better conformity with town DPW practices. The Board of Selectmen considers this a "best practice" in terms of mitigating the town's liability in how DPW works on unaccepted roads.

Mr. Marsette noted that this Article would update Article 70 of the town bylaws and is a cleanup item that is the starting point to formalize current DPW practice. Natick has about 26 miles of unaccepted roadways and 128 miles of accepted roadways. The town's annual practice has been to repair unaccepted roadways – potholes and curb repairs due to plowing. The town plows both unaccepted and accepted roads. The MGL that allowed this was not adopted by the town. In researching this article, we noted that the town did not accept MGL c. 40, §6N that allows temporary repairs to unaccepted roads or private ways. Each year, DPW scours the town to fill potholes on all roads. There is a fairly comprehensive presentation on the town web site under Public Works Engineering Division regarding private ways and includes details on this bylaw. Also, on the web site is a listing of accepted / unaccepted roadways that is updated annually by the Town Clerk in concert with the Engineering Division of DPW. It removes the 2nd, 3rd, and 4th paragraphs in Article 70 § 6 "Public Works Regulations". These paragraphs are in conflict with current DPW practice and would insert a new § 8 titled "Private Ways" that specifies that the DPW would provide snow removal, remove barriers removed on order of the Police or Fire Chief, at the expense of the owner the private way, and the scope of temporary repairs to private ways. Should this Article pass, the Board of Selectmen would create a policy that would have more detail as to how this bylaw would be put in force. DPW has provided a draft of such a policy and the Board of Selectmen will review it in a public

hearing. We made these changes based on what neighboring communities that have successfully changed their bylaws.

Article 18 Motion

Move that the Town vote to amend Article 70 of the Town of Natick Bylaws as follows:

1. Remove the second, third and fourth paragraph of Section 6; and,
2. Insert new Section 8 with the wording:

“Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs. The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this Bylaw.”

Questions from the Committee:

Mr. Pierce asked what the difference is between an unaccepted street and a private way. Mr. Marsette said that the terms are frequently used interchangeably. In general, a private way is considered to be designed to be a private way “forever” and an unaccepted road is a road that is planned to be an accepted roadway but the formal process of road acceptance has not taken place. By definition, private ways are not owned by the town.

Mr. Sullivan asked what the current policy for snow removal on private ways is. Mr. Marsette said all private ways are on the plow list. Best practices are to have a list of private ways that is reviewed by the roadway commissioners (in Natick, this is the Board of Selectmen).

Mr. Sullivan asked whether there are any private ways that are in such poor shape that temporary repairs are not completed. Mr. Marsette said there have been no instances of private ways not receiving temporary repairs during his tenure with the town.

Mr. Rooney asked whether the owners of a private way could request that the town re-pave their private way. Mr. Marsette said the owners could petition the

town for betterment to the roadway or sidewalks or draining and the owners would fund this, with the town helping finance it at reduced or low-cost interest. Generally, private ways looking for these betterments would also petition to become an accepted roadway.

Mr. DeLuca asked whether there are any public easements on private ways. Mr. Marsette said that there are not, but the town tries to ensure access to private ways for emergency vehicles (Police, Fire). The Commonwealth of Mass. has a classification of private ways open for public use (a through roadway) that has a higher classification than a private way that's not open for public use. Mr. Hickey added that he lives on a private way and the town plows, picks up his trash and recycling and removes trees that block public safety vehicles from getting through. Another benefit to this Article is moving away from the term unaccepted road to private way.

Mr. Linehan asked what the mechanism is for private way owner(s) to determine the cost of the betterment. Mr. Marsette said that the DPW Engineering Division could assist with estimating the cost.

Mr. Lista asked whether the town would net any additional Chapter 90 moneys by adopting this provision. Mr. Marsette said it would not. It would only increase if the private way goes through the road acceptance process and is approved by the Board of Selectmen.

Mr. DeLuca asked whether police can issue tickets for blocking the street during a snow emergency. The traffic rules that the Board of Selectmen have adopted and update occasionally apply to accepted roadways only. These rules do apply to private roadways that are open to public use and are through streets. However, a dead end street, for example, would not be subject to these rules.

Ms. Wollschlager noted that the process for assessing betterments looks like it's being deleted and wanted to ensure that is still a process in place to assess betterments. Mr. Marsette said that they are removed the process for assessing betterments for temporary repairs only. MGL governs the process for betterments (MGL c. 40 §6) so the town doesn't need its own process.

Mr. Sullivan moved Favorable Action on subject matter of Article 15, seconded by Mr. Evans, Voted 10 – 0 – 0.

Debate:

Mr. Sullivan noted that in a previous town, he was on the Board of Selectmen and spent a disproportionate amount of time discussing private ways and services provided, and expressed appreciation for town administration taking steps to make this work better.

Mr. Evans said this clarifies a number of things and limits the town's liability.

Mr. DeLuca said he lives on an unaccepted narrow road and confirmed that the town does provide all the services that Mr. Marsette describes on that unaccepted road and appreciates what the DPW currently does and feels this will increase clarity.

Ms. Wollschlager said that she appreciated town administration taking on this thorny issue. I'm hopeful that this will move forward at a rapid pace.

[Article 20: Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel](#)

Ms. Melissa Malone, Town Administrator

Mr. Bill Chenard, Deputy Town Administrator, Operations; Member Kennedy MS Building Committee

Mr. Matthew Gardner, Chair, Natick Conservation Commission

Ms. Malone stated that Article 20 deals with an agreement with the Army Corps of Engineers (ACOE) on the building site for the new Kennedy Middle School. This site does have wetlands and pursuant to law were required to consult with the ACOE. Included in your information packet is the agreement with the ACOE that was negotiated and drafted by Town Counsel and approved by ACOE. It is consistent with practices that the town has undertaken in the past. Engineers that are involved in this project have told us that it is not buildable property. I can speak to any specifics in the letter and Mr. Gardner and Mr. Chenard can speak to the meaning of executing this agreement.

Questions from the Committee

Mr. Linehan asked for confirmation of whether even though the wetlands area was not buildable; one could have access to property through those wetlands. Mr. Gardner said that is permissible.

Mr. Linehan asked if there were any potential negative impacts from transferring this land into Conservation Commission control. Mr. Gardner stated that this is not buildable, but the question of putting the unbuildable land into permanent conservation restriction versus paying a \$132 K fee is a no-brainer. As part of the review process, public safety was consulted to ensure that all emergency access was included and they approved this plan.

Ms. Anna Nolin, Superintendent, Natick Public Schools added that the KMS Building Committee consulted extensively with the ACOE on this piece of property. Because this property has vernal pools on it, it was highly unlikely that we would ever be able to get ACOE permission to build on that area. Ms. Nolin continued that they asked ACOE if the vernal pools dried up, would that make any difference. ACOE said it was very unlikely that the vernal pool would dry up and it's a lengthy process (estimated 10-20 years) after confirmation that the vernal dried up before the land would be available.

Mr. Linehan asked whether the vernal pools are equally distributed in the 5.2 acres. Mr. Chenard said the vernal pools are mostly to the north of this section of the lot and there is a stream that runs straight to the middle portion of the lot and runs under the parking lot.

Mr. Linehan asked whether transfer to the Conservation Commission would preclude something such as underground conduits. Mr. Gardner confirmed that it would.

Mr. Pierce asked who the owners of the land are. Mr. Gardner said that it was transferred from the School Committee to the Board of Selectmen, and the article proposes transferring it to the Conservation Commission.

Mr. Pierce asked how much of that land plays into the design of the new KMS. Mr. Chenard said the specified land is adjacent to the road that leads to Brown

Elementary School. In addition to offsetting the elimination of 0.22 acres of vernal pools, it is adjacent to the power lines owned by EverSource. Dr. Nolin noted that the \$132K should be considered a fine for not putting compensatory land into conservation restriction.

Mr. Lista asked whether this requirement was just discovered. Mr. Chenard said that it was a long-standing negotiation with the ACOE that was settled after Spring Town Meeting had ended so this is the first time that we can bring it to Town Meeting. Mr. Evans, speaking as the Finance Committee representative to the Building Committee, this is the first opportunity to bring this matter to Town Meeting.

Mr. Lista asked if the Conservation Commission would place any restrictions or require buffer zones for this land. Mr. Gardner said the Conservation Commission would not put any further restrictions other than the Article 97 requirements. There is a brook that runs through the property that may be protected as a “river”. The vernal pool and the brook all have buffer zones associated with them and any work that may impact these buffer zones must be reviewed and allowed by the Conservation Commission.

Mr. Lista asked whether any maintenance would be required in these buffer zones and if yes, who would be responsible for that maintenance. Mr. Gardner said there is no required maintenance. However, the Conservation Commission is working with the town’s conservation agent to develop plans for regular maintenance for properties under the care, custody and control of the Conservation Commission. There could be some activities such as removing invasive species, but not any regular maintenance.

Mr. Evans moved Favorable Action on subject matter of Article 20, seconded by Mr. Linehan, Voted 10 – 0 – 0.

Mr. Evans gave kudos to the KMS Building Committee and its contractors and Town Administration for flagging this as issue, working with ACOE to get resolution. This was a hurdle that had the potential to severely delay the project. Mr. Linehan thanked the speakers for answering the questions and he wanted assurance that everything was thoroughly vetted and there weren’t any bad unintended consequences.

Mr. Rooney requested that Article 20 be put on the consent agenda, seconded by Mr. Pierce, Not Voted.

Debate:

Mr. Sullivan noted that this article required responses to a significant number of questions and is too complex to include on the consent agenda.

Mr. Evans agreed that it was too complicated for the consent agenda and even though tonight, the Finance Committee voted to unanimously support it, it is worthwhile for the information we considered to be included in the Recommendation Book so Town Meeting members understand our rationale.

Mr. DeLuca said that he went through Massachusetts conservation law and agreed that the complexity excludes it from being a consent agenda item.

[Article 22: Amend Article 20 of the Natick Town Bylaws](#)

Mr. Hickey, Chair, Board of Selectmen

Article 22 pertains to multi-member bodies appointed by the Town Administrator as set forth in the town bylaws and deals specifically with the Commission on Disability. The town has experienced problems attracting and retaining volunteers and during the process of soliciting volunteers for the Commission on Disability, it was noted that its members were appointed by the Town Administrator whereas state statute indicates that the Board of Selectmen can make these appointments. The town researched why this quirk existed and found no basis for it being exceptional, so the Board of Selectmen sponsored this article to eliminate this exception.

Questions from the Committee

Mr. Linehan noted that the motion only specified deletion and requested confirmation that this is due to the state law providing this authority to the Board of Selectmen. Mr. Hickey confirmed this.

Mr. Lista asked whether this would pose any problems with volunteers appointed by the Town Administrator. Mr. Hickey said he did not believe so because the Town Administrator would name candidates and the Board of Selectmen would affirm them, but would confirm whether his understanding is correct.

Mr. Linehan moved Favorable Action on subject matter of Article 15, seconded by Mr. Pierce, Voted 10 – 0 – 0.

Mr. Linehan moved to recommend adding Article 22 to the Consent Agenda, seconded by Mr. Sullivan, Voted 10 – 0 – 0.

[Article 23: Alteration of Layout of North Main Street \(Route 27\) and Adjacent Streets](#)

Ms. Melissa Malone, Town Administrator

Mr. Bill Chenard, Deputy Town Administrator, Operations

Mr. Michael Hickey, Chair, Board of Selectmen

Ms. Malone stated that this article refers to the acceptance of a roadway plan for alteration of the layout of North Main Street (Route 27). As you may recall from prior Town Meetings, the town has invested \$3 million for the acquisition and design of this roadway. The actual price of this roadway improvement including infrastructure, sidewalks and roads is \$18.6 million and that money is sourced from the Federal government and Commonwealth of Massachusetts. Yesterday, the Commonwealth of Mass. DOT put this project out to bid, with a closing date of January 7, 2020. Earlier today, I testified at the State House with respect to a small portion which is Snake Brook, which is on the Wayland-Natick line concerning an improvement to property that is held by Department of Conservation and Recreation (DCR). The town currently has requested a temporary construction easement and the Governor and our state delegation were

very positive so we're hopeful that this will pass in the next few months. The last part of this project that was begun under the supervision of Mr. Errickson is the final acceptance of the roadway plan. We respectfully request the Finance Committee's approval to proceed with this plan.

Questions from the Committee:

Mr. Linehan asked for clarification on the Snake Brook issue. Ms. Malone noted that the reason Snake Brook was highlighted was the final issue from the state's perspective to moving ahead with this project. Snake Brook is located in Natick right before the town line of Wayland and is DCR property. This project will be improving the water run-off to Snake Brook which flows into Lake Cochituate, so we needed approval from the DCR to proceed. DCR is very supportive of the changes that we are making, has received all the plans and provided legal opinions to our Town Counsel supporting this plan.

Mr. Linehan asked whether there would be any impact to the Snake Brook Trail. Mr. Chenard said there would not.

Mr. Lista asked for confirmation that the plan would include a roundabout at the intersection of Pine Street and Route 27. Ms. Malone said it will be a roundabout, but it is a separate project also funded by the state.

Mr. Rooney wondered why the town planned to use a roundabout since the state seems to discourage roundabouts. Mr. Hickey noted that the state where he grew up started discouraging use of roundabout 15 years ago, but said that the current thought is that the roundabouts help to keep traffic moving as opposed to queuing. There are a series of traffic lights before and after this proposed roundabout. Mr. Chenard added that there are several state-funded TIP projects that are employing roundabouts, including some major roadways.

Ms. Wollschlager asked whether the temporary and permanent easement work was completed. Ms. Malone noted that this work was already completed and the Board of Selectmen had approved the acquisition and acceptance of these easements.

Mr. Rooney asked whether any of the adjoining streets included in this plan were unaccepted roads. Ms. Malone confirmed that there are streets along Route 27 that are unaccepted roadways but these aren't part of this plan.

Mr. Sullivan moved Favorable Action on subject matter of Article 23, seconded by Mr. Evans, Voted 10 – 0 – 0.

Debate

Mr. Sullivan noted that there were some vacancies in the Community and Economic Development Office and lauded those who stepped up to continue the forward momentum of this project.

Mr. Evans highlighted the excellent work of the previous Town Engineer, Mark Coviello, now semi-retired to get all the easement and property details worked out so this project could move forward. Mr. Evans also thanked Town Administration for shepherding the project through many convoluted steps.

[Article 24: Transfer of Land and Grant of Easement to Natick Affordable Housing Trust: 299-301 Bacon Street](#)

Ms. Malone, Town Administrator

Ms. Malone said in 2008, the Board of Selectmen received this property from the Bernardi Group and the Board of Selectmen agreed to transfer this property to the Affordable Housing Trust. It was recently learned that the transfer to the Affordable Housing Trust was not effectuated so Article 24 is provided to complete that process and update the land records so that the property is appropriately registered.

Questions from the Committee

Mr. Lista asked what the town's status is on affordable housing. Ms. Malone said that the town is currently in safe harbor status, pending the result of the 2020 census. The census is completed every 10 years and at that point, a town knows whether it is over / under the 10% threshold for affordable housing. We will be in safe harbor status into 2021 when the results of the census are known.

Mr. Pierce asked for confirmation that this is the property where the Affordable Housing Trust built two affordable housing units. Ms. Malone confirmed that is correct.

Mr. Linehan asked what the relationship is between the town and the Affordable Housing Trust. Ms. Malone said that the Affordable Housing Trust is a separate entity that is established pursuant to MGL. All procurement and work is done through the Affordable Housing Trust, not the town.

Mr. Linehan asked whether the force main (sewer) and sewer connections work had been completed. Mr. Chenard said that the contract for this has been awarded and will be paid by the Affordable Housing Trust.

Mr. Linehan moved Favorable Action on subject matter of Article 24, seconded by Mr. Pierce, Voted 10 – 0 – 0.

Mr. Evans moved to recommend adding Article 24 to the Consent Agenda, seconded by Mr. DeLuca, Voted 10 – 0 – 0.

Mr. Linehan moved to close the public hearing on the 2019 Fall Annual Town Meeting warrant review, seconded by Mr. Evans, Voted 10 – 0 – 0.

Meeting Minutes

March 12, 2019:

Mr. Linehan moved to approve, as amended, seconded by Mr. Pierce, voted 9.0.1.

March 21, 2019:

Mr. Linehan moved to approve, seconded by Mr. Pierce, voted 9.0.1.

April 4, 2019:

Mr. Linehan moved to approve, as amended, seconded by Mr. Pierce, voted 8.0.2.

ADJOURN

Mr. Pierce moved to adjourn, seconded by Mr. Linehan, voted by 10 – 0 – 0.

Meeting adjourned at 8:58 p.m.



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: September 17, 2019

The minutes were approved through the following action:

Motion: Approval

Made by:

Seconded by:

Vote: x – x – x

Date: , 2019

Respectfully submitted,

Bruce Evans

Clerk

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

MEMBERS PRESENT:

Patrick Hayes, Chair
Linda Wollschlager, Vice-Chair
Bruce Evans, Clerk
Michael Linehan, Member
David Coffey, Member
Jim A. Scurlock, Member
Daniel Sullivan, Member
Philip Rooney, Member
Jerry Pierce, Member
Tony Lista, Member
Bill Grome, Member
Dirk Coburn, Member

MEMBERS ABSENT:

Kristine Van Amsterdam, Member
Jeff DeLuca, Member

AGENDA:

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
 - d. Swearing in of New and Newly Appointed Member
2. Announcements
3. Public Comments
 - a. Committee policy & procedures available via this link and also at the meeting location
4. Meeting Minutes
 - a. Discuss and Approve Meeting Minutes for: March 19, March 21, April 4, Sept 3, 2019
5. 2019 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 19: Amend Article 79A of the Town of Natick By-Laws: Stormwater Management and Erosion Control](#)
 - b. [Article 21: West Natick Fire Station Signal Controls](#)
 - c. [Article 27: Real Estate Transfer Surcharge In Support of Affordable Housing](#)
 - d. [Article 41: Contact Information Requirement for Town Meeting Members and Elected Officials](#)
- e. Article 25: Access to Hunnewell Fields - POSTPONED to October 1, 2019
- f. Article 26: 22 Pleasant Street - POSTPONED to October 1, 2019
6. Committee and Sub-Committee Scheduling
7. Committee Discussion (including items not on the meeting agenda)
8. Adjourn

CALL TO ORDER

Meeting called to order at 7:04 p.m. by Chair, Patrick Hayes.

ANNOUNCEMENTS/CITIZENS CONCERNS:

None

PUBLIC COMMENTS

None

Mr. Evans moved to open the 2019 Fall Annual Town Meeting Warrant Article Public Hearing, seconded by Ms. Wollschlager, Voted 12 – 0 – 0.

Article 19: Amend Article 79A of the Town of Natick By-Laws: Stormwater Management and Erosion Control

Presenters:

Ms. Jillian Wilson-Martin, Sustainability Coordinator, Natick

Ms. Victoria Parsons, Conservation Agent / Planner, Natick

Ms. Wilson-Martin provided an overview of the need for amendment of Article 79A. This is the culmination of a few years of research that identified the need to amend this bylaw article. Several years ago, we received funding from MetroWest Foundation and Mass Audubon to assess our land use regulations - the town's zoning, stormwater, subdivision rules and regulations, cluster development. The result of that assessment was that Natick's land-use regulations weren't aligned with the best practices that the Commonwealth recommends. Further, the development of the Master Plan, the Hazard Mitigation plan and the Massachusetts Environmental Protection (MEP) Community Resilience Building (CRB) plan all pointed to the need for improved stormwater management. At the same time, the town is subject to a new stormwater permit (MS4). We were able to receive funding through the MEP grant action program that enabled us to hire a consultant to review our regulations and craft new language. We worked with numerous people to draft this bylaw including any member of town staff that touches stormwater. The Stormwater Management Oversight Committee which includes the Health department, DPW Town Engineer, and the Water & Sewer Department along with the Sustainability Coordinator and the Conservation Agent.

Questions from the Committee

Mr. Linehan asked about section 4C.1c) "The addition, on-site redistribution or export of greater than or equal to 500 cubic yards, but not exceeding 750 cubic yards, of soil." Below that in 4D.2 it states "Reasonable and ordinary maintenance of existing lawn, landscaping, or gardens areas, provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns."

Mr. Linehan pointed out that this means above 50 cubic yards but less than 500 yards, nothing is required and asked whether it should be 500 cubic yards in both locations. Ms. Wilson-Martin said it should be 500 cubic yards in both places. The intent is that if you're adding more than 500 cubic yards you would be required to get a permit.

Mr. Linehan asked about the phrase "construction of any walls" and whether it was defined in the bylaw. Ms. Wilson-Martin said this is the current wording in the bylaw – the intent to disqualify walls is that a former conservation agent had a number of projects where walls were added and these are not considered ordinary maintenance. Mr. Linehan suggested adding language of walls over one foot high and Ms. Wilson-Martin agreed to do so.

Mr. Linehan noted that section 1H.1i) states "Approve the Application and issue a permit if it finds the proposed plan meets the objectives of and complies with the requirements of this By-Law;" and that the requirements are more quantitative and the objectives are qualitative and open to interpretation. Ms. Parsons said that they would be developing a set of regulations as part of this bylaw change and that could be used to clarify the objectives.

Mr. Linehan said it appears that Section 7 specifies that a person must hire a registered professional engineer or other professional consultant to advise the Conservation Commission and the applicant must pay review fees before the review process may begin. Mr. Linehan asked what the review process would be for the Conservation

Commission, particularly for minor permits. Ms. Wilson-Martin said that minor permits would be administered by either the Conservation Agent working closely with the Conservation Commission. Ms. Parsons noted that minor permits did not require review by the Conservation Commission and said that it was unlikely that a minor permit would need to submit all the plans specified in Section 8 of the bylaw. Ms. Wilson-Martin noted that the regulations would specify what types of plans would be required for which permit type.

Mr. Linehan asked for confirmation that the “Operation and Maintenance Plan” must be approved prior to the start of the project. Ms. Wilson-Martin confirmed yes. Mr. Linehan asked whether a change to the O&M plan would require a re-filing. Ms. Wilson-Martin said yes.

Mr. Linehan asked how the town would enforce these regulations. Ms. Wilson-Martin said applications for Major Stormwater and Erosion Control permits also require distribution to the Department of Public Works, and the Board of Health for review and comment, and shall be accompanied by certification of delivery to these Town entities when submitted to the Conservation Commission. Ms. Parsons said once the O&M plan is approved by the Conservation Commission or Designated Agent it is recorded at the Commonwealth of Massachusetts Middlesex South Registry of Deeds by the Permittee and shall remain on file with the Conservation Commission, and shall be an ongoing requirement. An order of conditions is required to be recorded at the Registry, but isn’t always recorded. When an order of conditions is recorded, we ask for formal notification that the order of conditions has been recorded. We could adopt a similar procedure to ensure that the O&M plans are properly recorded.

Mr. Rooney asked what was meant by the statement that our water bodies are listed as “impaired”. Ms. Wilson-Martin said that that statement doesn’t pertain to the drinking water aquifers but refers to recreational bodies of water. Ms. Parsons said the Massachusetts listing of water bodies grades their safety for various activities and compliance with the Clean Water Act.

Mr. Coburn asked for information on the review process of this proposed bylaw change. Ms. Wilson-Martin said that it has been reviewed extensively. The Board of Selectmen voted unanimously to support the motion. Mr. Hayes noted that the Board of Selectmen is the sponsor of this article and voted to support the proposed bylaw change. The Conservation Commission has approved it, and it has been reviewed by the town Stormwater Committee that includes the DPW Director, Town Engineer, the School Department and the Director of the Health Department. It was also reviewed and approved by the town MS4 consultant. It was shared with the Building Commissioner and they are supportive, although they haven’t seen the final draft yet. The Building Commissioner noted that they see a lot of practices on the part of construction developers that aren’t up to standard for site stormwater management practices. It has also been reviewed by the Mass. Department of Environmental Protection (DEP) as well as Mass. Audubon.

Mr. Coburn asked whether it would be reviewed by the Planning Board. Ms. Wilson-Martin said they declined to review because a member, Susan Simone-Kang has been advising us on the crafting of the bylaw. Mr. Hayes noted that this is a town bylaw and the Planning Board is not required to hear this article.

Mr. Pierce asked how property owners would be notified of the requirements for minor stormwater & erosion control permits. Ms. Wilson-Martin noted that the 3,000 sq. ft. of land disturbance is the typical disturbance associated with the construction of a new home. Our vision, pending approval of the Conservation Commission and Building Commissioner is to have a field in the Building Permit for this type of permit as a check-off item.

Ms. Wollschlager suggested that Town Meeting be provided with a redlined version of the bylaw that shows how the changes integrate and/or modify the existing bylaw. Ms. Wilson-Martin said Town Counsel advised them not to distribute a redlined version. Even though there is a lot of the original bylaw that has been retained, there are changes required to integrate the two types of permits (minor, major), capitalized and defined terms and deleted definitions in the previous bylaw that weren't used in the bylaw or any other portion of the zoning bylaw or general bylaw. We believed showing all the tracked changes would create a very confusing motion. Ms. Wollschlager asked whether a summary of these changes could be made available for inclusion in the Recommendation Book. Ms. Wilson-Martin said this summary is available in our response in section 1 of the Finance Committee questionnaire (this was inadvertently not distributed prior to the meeting and will be sent out later). Ms. Wilson-Martin also noted that this bylaw change puts us in line with other comparable communities with similar building density (more urban less rural than other communities). Ms. Parsons indicated that the town might be able to get grant funding to do educational outreach on the benefits of this bylaw.

Mr. Coffey asked whether town projects would be held accountable for these standards. Ms. Wilson-Martin said they would be subject to the same regulations for construction projects. However, roadway construction or re-construction is exempted in section 4D.10) "the maintenance or reconstruction of any public way, in accordance with Town policy developed by the Natick Board of Selectmen and Conservation Commission". This doesn't mean that DPW will not follow best practices for stormwater management, but it will permit them to avoid having to review every roadway project with the Conservation Commission, providing them with the latitude that they need to keep the roadways in good condition.

Mr. Linehan asked whether construction of a new home would require a permit. Ms. Wilson-Martin said that she and the Building Commissioner believe that any new construction would require a minor permit whereas an addition to a house would not and the Building Commissioner estimates that this would be approximately 30 minor permits per year.

Mr. Lista asked what other town's experiences have been as they decreased the disturbance threshold. Ms. Wilson-Martin said she spoke with the DEP Stormwater Coordinator who is also the Chair of the Needham Conservation Commission and oversaw their changes to their bylaw. In Needham, since 2006, only 50 land disturbance permits were issued. In addition, Dedham had similar experience in that few permits were required and the permit process was not viewed as problematic.

Mr. Rooney moved Favorable Action on subject matter of Article 19, seconded by Mr. Hayes, Not voted,

Mr. Linehan moved postponement of Article 19 until October 1, 2019, seconded by Mr. Lista, Voted 10 – 0 – 2

Debate

Mr. Linehan said he's very supportive of this change, but since it is a bylaw, there are some things that need to be nailed down. Postponement would enable the proponents to make these changes to get it closer to the asymptotic approach to perfection.

Mr. Lista agreed that more time is needed to perfect this motion.

Mr. Rooney said that this article improves the bylaw and the questions seemed to me to be more about implementation than the bylaw construction and I think that even with additional time you're going to be able to meet every possible contingency.

Mr. Hayes said he was comfortable with what Mr. Rooney said and added that the sponsor said at least three times that this is the bylaw, not the regulation and that's an important distinction because the regulations drive a level of detail that the bylaw was never intended to do. Conservation Commission is responsible for developing these regulations that are under their purview.

Mr. Coffey said he believes there were enough questions asked and gray areas identified so postponement makes sense to get a clean version to Town Meeting.

Mr. Coburn expressed strong support of the objectives and intent of the proposed bylaw and noted that there are provisions in the bylaws that we are voting for that have criminal penalties accountable to an appointed body so I would like to see that this bylaw come back clean.

Mr. Evans said that he supports the objective, acknowledged that it has received extensive review, but would like to read the sponsor's questionnaire responses prior to the October 1 meeting.

[Article 21: West Natick Fire Station Signal Controls](#)

Presenter:

Mr. Bill Chenard, Deputy Town Administrator, Operations

Mr. Chenard passed a revised Article 21 motion that corrects a misstated measurement from "x sq. ft." to "0.35 acres". This article transfers land to Mass. DOT per their request to be part of the state layout for the ramp so that a sidewalk can be part of the state layout. You have a map of the layout of that sidewalk and the motion provided tonight. The Board of Selectmen voted to support this motion last evening.

Questions from the Committee

Ms. Wollschlager asked the purpose of the curvature in the sidewalk design (beyond the contour of the road). Mr. Hayes said during the West Natick Fire Station Committee's review with the Planning Board, the Board requested addition of a sidewalk and guardrails. Mr. Chenard noted that the land being transferred is one foot inside the sidewalk. Mr. Hayes added the map is for reference only and not part of the motion.

Public Comments

None

Mr. Coburn moved Favorable Action on subject matter of Article 21, seconded by Mr. Linehan, Voted 12 – 0 – 0.

[Article 27: Real Estate Transfer Surcharge In Support of Affordable Housing](#)

Mr. Hayes said there was a miscommunication between the Chair and the proponent so this article will be reviewed on October 1, 2019.

[Article 41: Contact Information Requirement for Town Meeting Members and Elected Officials](#)

Presenters;

Ms. Patti Sciarra, Town Meeting member, Precinct 7

Ms. Sue Salamoff, Town Meeting member, Precinct 8

This article requests that the Town vote to add the practice that Town Meeting Members and Elected Officials voluntarily provide contact information in the form of an email address and/or phone number to the Town Clerk following their swear-in and to have this practice go into effect following the 2020 Spring Annual Town Election. We believe that this will help residents who are not Town Meeting members to participate in the political process and the running of town government.

Questions from the Committee

Mr. Coffey asked whether the “and/or” can be struck from this motion because he is amenable to receiving emails but doesn’t want to provide his phone number. Ms. Sciarra noted that the “and/or” indicates that providing a phone number would be optional. Ms. Salamoff added that the “and/or” was added following discussion with the Town Clerk, Town Moderator, and Town Information Officer where we were informed that some Town Meeting members are visually impaired and would prefer to receive phone calls. Mr. Sullivan asked where this information would be listed. Ms. Sciarra said Town Meeting members are listed in a spreadsheet on the town website with names and physical addresses. This would add a column for email addresses. Ms. Sciarra added that the email addresses would also be linked to precinct numbers so residents would know who their Town Meeting members are. Ms. Salamoff added that this information would be a resource that Committees would be able to utilize.

Ms. Wollschlager asked whether there was any thought of providing town email addresses for each Town Meeting member as the Finance Committee does since that provides collaboration opportunities. Ms. Salamoff said that this was investigated with the town IT department and the cost for the Gmail suite was prohibitively expensive. Mr. Coffey requested confirmation that should Town Meeting members communicate amongst themselves they wouldn’t violate Open Meeting Law (OML). Mr. Hayes confirmed that Town Meeting is exempted from OML.

Mr. Linehan moved Favorable Action on subject matter of Article 41, seconded by Mr. Pierce, Voted 12 – 0 – 0..

Mr. Linehan opined that it’s incredible that this information is not available. At some point, this information was available at least for elected town officials.

Mr. Pierce said this will be real timesaver.

Mr. Coburn stated that a number of the elected boards do provide email addresses for their members and this article would disseminate that information. Mr. Coburn suggested

that information on how to obtain no-cost email accounts be included in the Town Meeting Handbook (guide for Town Meeting members).

Ms. Wollschlager expressed disappointment that it was too expensive to provide town email addresses to Town Meeting members because it would foster a better two-way communication vehicle.

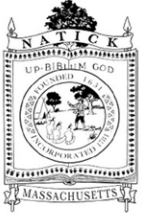
Mr. Coburn moved to close the public hearing on the 2019 Fall Annual Town Meeting warrant review, seconded by Mr. Evans, Voted 12 – 0 – 0.

Meeting Minutes

None

ADJOURN

Mr. Pierce moved to adjourn, seconded by Mr. Linehan, voted by 12 – 0 – 0.
Meeting adjourned at 8:53 p.m.



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 19, 2019 at 7:00 PM

MEMBERS PRESENT:

Patrick Hayes, Chairperson
Linda Wollschlager, Vice-Chairperson
Bruce Evans, Clerk
Bill Grome, Member
Daniel Sullivan, Member
Jerry Pierce, Member
Kristine Van Amsterdam, Member
Robert McCauley, Member
Tony Lista, Member
Dirk Coburn, Member
Jeff DeLuca, Member

MEMBERS ABSENT:

Dave Coffey, Member
Philip Rooney, Member
Bob Linehan, Member
Jim A. Scurlock, Member
Robert McCauley, Member

AGENDA:

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
 - d. Swearing in of New and Newly Appointed Member
2. Announcements
3. Public Comments
 - a. Committee policy & procedures available via this link and also at the meeting location
4. 2019 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 30: Amend Zoning By-laws: Creative Production Use Zoning Amendment](#)

- b. [Article 31: Amend Zoning Bylaws: Specialty Craft Fabrication Zoning Amendment](#)
 - c. [Article 32: Amend Zoning By-Laws: Downtown Business \(DB\) District Zoning Amendment](#)
 - d. [Article 33: Amend Zoning By-Laws: Non-Conforming Uses, Large Residential Additions Zoning Amendment](#)
 - e. [Article 34: Amend Zoning By-Laws: Alternate Uses In Residential Districts Zoning Amendment](#)
 - f. [Article 35: Amend Zoning Bylaw – Retail Marijuana Overlay Districts](#)
- 5. Meeting Minutes
 - 6. Committee and Sub-Committee Scheduling
 - 7. Committee Discussion (including items not on the meeting agenda)
 - 8. Adjourn

CALL TO ORDER

Meeting called to order at 7:00 p.m. by Chairman, Patrick Hayes. The agenda will be heard in order as listed – Article 30, Article 31, Article 32, Article 33, Article 34 and Article 35.

ANNOUNCEMENTS/CITIZENS CONCERNS:

Mr. Evans announced The Friends of the Morse Institute Library is having a book and bake sale September 21st from 8:30- 5:00 and the 22nd from 12:00-3:00. There will be many books, DVDs and music available for purchase.

PUBLIC COMMENTS

None

Mr. Evans moved to open the 2019 Fall Annual Town Meeting Warrant Article hearing, seconded by Ms. Wollschlager Voted 10 – 0 – 0.

Article 30: Amend Zoning By-laws: Creative Production Use Zoning Amendment

Presenters:

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

Ms. Evans, Member – Planning Board

Mr. Fields: This article will create a new definition in the zoning By-Laws for creative production and is similar to the Arlington Zoning By-Law that combine office, research, development and creative uses. With updates to the zoning regulations schedule this would be allowed in the Downtown Mixed Use (DMU) and business zones and would permit use in the HM-II, LC and HM-III zoning districts and create a standard for off-street parking. The genesis for this article is recommendations of the 2030 Master Plan and recent permitting experiences in the community from the Community and Economic Development Department where similar types of modern uses have sought permission to locate in Natick. Our current zoning code does not cover those elements and this article fills that gap.

Questions from the Committee:

Mr. Hayes asked why we are going with n when the insert HM-II for users under the site plan has a small n for creative production when it currently ends in l. Mr. Fields said he will change the l to an n and provide an updated copy from March 2019 of the site plan.

Mr. Pierce inquired where in Natick this would be used. Mr. Fields replied they are envisioning the DMU and business district as well as the East Natick Industrial Park and the Natick Business Park in West Natick. Those are two current industrial zones although I could see them in other commercial corridors as well.

Mr. Lista asked if Arlington's modification created the type of zoning they were looking for. Mr. Fields replied the modification has permitted some of these types of businesses there which made permitting those uses easier for them.

Mr. Lista inquired if these types of creative production businesses are precluded now in the Natick downtown area. Mr. Fields replied they do not fit into current use categories easily so it creates a challenge for the Community and Economic Development staff to say whether they are allowed by right or special permit in the given zoning district.

Mr. Lista asked what this zone would look like at five to 10 years from now. Mr. Fields opined that, depending on which zone you are referring to, it would help ease the vacancy situations we see. It would make permitting modern types of businesses that are attracted to certain areas easier and make those more vibrant and healthy.

Mr. Lista asked if this particular creative production area included combined living and working arrangements. Mr. Fields replied it does not at present; it might be better to include residential arrangements later based upon our initial experience with these types of uses.

Mr. Coburn noted that we have had businesses in town under the definition of creative production and asked whether the town knows of businesses that have gone elsewhere or been turned away. Mr. Fields responded that he has not seen businesses turned away in the three years he has been in CED. I have been told the Economic Development Committee has had trouble finding areas in Zoning By-Law to efficiently permit these types of use. Many of them do not fit in the current categories we have now. Ms. Evans added that the use table is what allows the Building Commissioner to determine what is permitted.

Mr. Coburn asked if we start putting this use on specific districts and not others whether these businesses may be excluded from areas where they might have previously located. Mr. Fields replied that this type of use is allowed or permitted on most commercial types of districts in town and if there are districts not included there will be opportunities to add them at a later date. The Building Commissioner has used his best judgment to place these uses into different types of zoning definitions; however it makes more sense to have a clear use category. Ms. Evans opined this is exciting because it is an indicator of the sorts of businesses that are interested in locating in Natick and we see a startup culture that is increasingly attracted here. When these uses are integrated in a process like this it is difficult to pick out which is the dominant and which is incidental this backs off from that and responds to the nature of the creative process increasing that we see at heart of the businesses.

Mr. Grome noted that the first definition of "creative production" in Section 200 talks about the actual performance of technologies available in these districts. The use table talks about the same definitions of "creative production" but instead it is about environmental and similar issues that are confined to premises. Sections 2C and 2D add the qualification which says features generated are minimized and confined to the premises. Those words are left out of the other definition in the table.

Ms. Evans said. in most instances, there is a difference between the definition in Section 200 and which is the overall definition of the term and the language in the use table that will have some sort of constraint. If you look at other definitions in the use table, there is often a reference to noise, vibration and sound management. When creative production, as defined in Section 200, these specified things will apply. In a

creative production site, these are the applicable environmental circumstances that apply in that zone. If someone meets the definition in Section 200 this is the charging instruction about what they may or may not do in these districts which is reiterated in the individual sections below. It is not uncommon for that language to be more regulatory for the use table as opposed to descriptive in the definitions.

Mr. Grome asked whether the omission of the words “generated minimized” could cause confusion in 38C, since the overall definition of the use table is not included.

Ms. Evans suggested changing the wording in the 38C in the Use Table to “minimized and confined”. Mr. Fields agreed to do so.

Mr. DeLuca asked within applicability section is any mitigation is in place since the term “creative” can be stretched in many ways. if some of these areas are not industrial because it is created?

Mr. Fields replied that the definitions in 38C, 2B, 2C and 2D where all the objectionable environmental elements are minimized and contained within the structure there is one limiting factor when impacting other abutting uses. Since this is a less intensive use than industrial uses allowing this in industrial zones allows current industrial zones to be modernized and less industrialized. It lessens the impacts on other industrial zones and does not increase impacts created by other commercial zones where these are permitted. .

Ms. Wollschlager asked if a landlord owns a building with multiple spaces and rents out part of it, how enforcement of this bylaw would be affected. and what is the review process. Mr. Fields replied where these uses are allowed by right and a business locates in a space, this is a change of use. As a new change of use, it is reviewed by the Planning Board under the site plan review procedure and the Zoning By-Law. If this kind of use is allowed by special permit, a special permit is required for that use in that type of zone and that special permit is granted at the discretion of the Planning Board.

Ms. Wollschlager asked how the process happens and how a business would be aware of it if no town permits are needed. Mr. Fields said when there is a change of use and there no town permits are needed, businesses must meet with the Community Economic Development for other various permits that triggers the Building Commissioner’s review for zoning bylaw compliance. Ms. Evans added that if no building permit or other licensing element is required and they do not come in contact with the town. Occasionally, a business may move into a space and use that space for a different use and we may learn about it belatedly. However, this rarely happens because landlords and business owners are aware that towns have a community set permitting process in place.

Mr. Wollschlager asked if “adult-content”-related uses would be prohibited Mr. Fields said his perception is that the existence of the current adult regulations would cover that type of content but he will research this.

Mr. Coburn said he thought adult content regulations referred to live entertainment. Mr. Fields said the definition of adult use covers more than live entertainment The first definition of **Adult Use:** An establishment: (1) having at least fifteen (15%) percent of its business inventory, stock in trade or other materials for sale, rental or display at any point in time, or deriving at least fifteen (15%) percent of its revenues from; or presenting for at least fifteen (15%) percent of the time the establishment is open for business, materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L. c. 272, § 31, such as but not limited to an adult bookstore, adult motion picture theater, adult paraphernalia store or adult video store.

Mr. Coburn asked if they could sharpen the definition of adult use in a way it could not be legally overturned and it was agreed they would do so. Ms. Evans said that they could increase the clarity at a future Town Meeting. Mr. Hayes asked for clarification of what they would be modifying and revising. Ms. Evans said there was nothing unique in the “creative production” use that would allow this and cited that if someone were in the film production business, but suggested that the Planning Board could look at tightening the language for any use that might be used by a film production business.

Mr. Hayes determined why the lettering was off in the proposed motion because Article 31 takes the letter that was missing, so my suggestion when you go before Town Meeting, you request that Article 31 be heard prior to Article 30. However, Ms. Evans noted that a better solution would be to reverse the letters between “m” and “n” and leave Article 30 as “m” and Article 31 a “n”. Mr. Fields explained the required changes as follows:

- 1) Article 30 motion 2B would read “*m . Creative Production*”. Article 31 motion 2B it will read “*n. Specialty Craft Fabrication*”.
- 2) Article 30 motion 2C would read “*r. Creative Production*”. Article 31 motion 2C it will read “*s. Specialty Craft Fabrication*”.
- 3) Article 30 motion 2C it would read “*u, Creative Production*” . Article 31 motion 2C will read “*v. Specialty Craft Fabrication without accessory space...*” and “*w. Specialty Craft Fabrication with accessory space...*”.

Questions/Comments from the Public:

Mr. Julian Munnich, Member, Planning Board. Regarding the last enumeration on the letters is certainly helpful for Town Meeting debate> However if one motion passes and one does not, then everything re-scrambles itself. When the Attorney General’s (AG) Office reviews zoning by-Laws, they accept enumeration changes created by the Town Clerk. Town Clerk is empowered to make it work when they submit the paperwork to the AG.

Article 30 – Motion

*Mr. Coburn moved Favorable action on Article 30 as amended, seconded by Mr. Evans, **voted 10-0-0.***

Mr. Coburn said this is an area of economic activity that Natick wants to keep its economy going and keep its commercial tax base valuable and this article aligns many processes and resources in the town for that purpose. These outweigh any of the concerns that the Finance Committee has raised which have largely been addressed.

Mr. Evans added it makes the Building Commissioner’s job much easier as they do not have to invent a new use each time something comes up before them and makes it more uniform and defensible. Businesses have started up in town have grown larger and remained in town. For example, eXponent is a business that has expanded to another location in Natick. It’s worth providing businesses a good experience here so hopefully they will remain in Natick through their expansion and increase tax revenues.

Mr. Sullivan was gratified that all the expense, effort and time put into the Natick 2030+ master plan process that we are beginning to make some changes based on those plans.to help the town be competitive as a community in 2030 and beyond.

Mr. Lista said he fully endorses this but wonders if may be an article in the hopes those creative businesses will come in and fix an economic development problem we have. He’d prefer that the market fix those things rather than zoning changes and asked how we would measure the success of these

changes.

Mr. Wollschlager asked if modifications discussed tonight as well as the changes Mr. Grome had indicated can get updated and copied with full revision for the recommendation book. Ms. Evans said the Planning Board will have to re-vote because of the changes to the motion. You will see our recommendation, the amended motion after our meeting October 2nd. However you will be able to receive it before it has been voted on by the Planning Board.

[Article 31: Amend Zoning Bylaws: Specialty Craft Fabrication Zoning Amendment](#)

Presenters:

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

Ms. Evans, Member – Planning Board

Mr Fields: This article establishes another definition for a new type of business use in Natick for Specialty Craft Fabrication that determines which zoning districts this is allowed by right and special permit as well as other regulations that govern such use. This article is meant to define small artisanal enterprises where an artisan will produce goods that are sold on-site and, ideally, in an open environment where watching production is part of the entertainment value. This includes food and beverage processing uses including the distillation of alcohol and may contain a retail component not to exceed thirty-three percent of the gross square footage permitted as an accessory use. Goods and products produced on the premises may be displayed, sold or consumed. It may include a seasonal outdoor area that is permissible as part of the accessory retail use, but that optional outdoor area shall not be included in the square footage for zoning compliance. That type of accessory use may include other uses such as a restaurant if otherwise permitted in the underlying zoning district. There are changes in the motion to Section 3A.2 the Use Regulation Table indicating where these types of specialty craft fabrication uses may be located. They are now permitted in the Commercial II (C-II) zone, industrial zones, the HMII and the Limited Commercial (LC) and other areas such as number of spaces per square footage for accessory uses. and permitted by special permit in the DMU zoning district. The last part of the motion establishes the requirements for off-street parking for these types of uses – one for specialty craft fabrication without an accessory and one for specialty craft fabrication with an accessory use.

Ms. Evans advised the words minimized and be added to the Use Table as was done in Motion 30

Questions from the Committee:

Mr. Grome asked if any type of shop is permitted to sell food and alcohol under this definition and/or would require a special permit. Ms. Evans said that this bylaw would not cover this if the alcohol or food was not produced on premises.

Mr. DeLuca noted that the East Natick Industrial Park has a lot of child-centered businesses and asked if there were any mitigations in place prohibiting businesses where alcohol is served from being located next to child-centered businesses and schools Ms. Evans provided an example where residents at Town Meeting voted to modify the Zoning bylaws to allow a retail accessory use for a business currently allowed in the East Industrial Park under regulations that do not constrain its adjacency to childcare or educational premises. Mr. Fields added we continued that trend in developing these regulations.

Ms. Wollschlager asked whether a restaurant is considered a retail component and would it have the same space limitations. Mr. Fields said it would be included under the retail accessory component. The intent is to have 2/3 of said space be for Specialty Craft Fabrication and up to a 1/3 for accessory uses. Ms. Wollschlager opined that was not clear in the definition. Ms. Evans suggested a clarification by changing *retail or dining component* where it says “*Specialty Fabrication Sites may include retail or dining*

component not to exceed 33%.

Mr. Sullivan requested an example of a business that is unable to go into the zone today but would allowed to do so in the future if this article passes.

Mr. Fields gave an example of a small-scale glass blowing business in Providence where patrons are able to watch the process and are able to make purchases in the retail area and would add some examples in the definition.

Mr. Hayes asked how the maximum of 7500 sq. ft. was calculated. Mr. Fields said they looked at similar types of businesses in other communities and 7500 sq. ft. seemed to be the upper limit for the size of these businesses and seemed appropriate for our current commercial lots.

Mr. Hayes asked if these types of businesses could be located in places that were not retail stores where Mr. Fields replied yes.

Mr. Hayes said 7500 square feet may not be enough to accommodate the machinery and storage that craft breweries would require and may keep them out. Ms. Evans cited paying a visit to Dogfish Head craft brewery in Delaware in 1995 where their entire brewery would fit on this table. The hope is if they start out small and outgrow the space they will relocate to a larger location in town.

Mr. Hayes opined that based on the number of craft breweries currently operating in Massachusetts, it's likely that square footage would be needed quickly. Ms. Evans said if this works well, the town may consider a separate square footage for downtown so but see what comes with a 7500 square foot space. The industrial parks have the capacity because of the accessory use clause to accommodate a larger facility.

Mr. Hayes asked if the 7500 square feet is part of the accessory clause.

Ms. Evans said in the bylaw where we allowed the ancillary use allows it on a greater scale than 7500 square feet in the two industrial parks. If a business wanted to relocate to a larger space, Town Meeting did not necessarily want it located in Natick Center. We are erring on the side of caution because there is a tool that can be used for the industrial zones.

Questions/Comments from the Public:

NONE

Article 31 - Motion

*Mr. Evans moved Favorable action on subject matter Article 31 as amended for the numbering changes and adding the words for dining, seconded by Mr. Coburn, **voted 9-1-0.***

Mr. Evans said this was a good opportunity to expand our economic base. Mr. Coburn agreed.

Ms. Wollschlager recommended eliminating square feet from the definition and adding it elsewhere.

Mr. Hayes said some of the places that are becoming an allowed use are not exactly in downtown. A larger building to separate the breweries accessory use from the heavy production area would be an ideal space. In the craft brewery business you need to have the space to scale quickly in order to make a profit. I would ask if you could return in the spring and bring some modified language around the industrial

zones.

[Article 32: Amend Zoning By-Laws: Downtown Business \(DB\) District Zoning Amendment](#)

Presenters:

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

Ms. Evans, Member – Planning Board

Mr. Fields: This article creates a new downtown business district within the DMU district, a = roughly a four block area centered from Middlesex Avenue and South Middlesex Avenue in the north to Central Street in the south along Main Street and part of Washington Street. This would be a commercial district only. The residential uses allowed in the DMU zone would not be allowed in this downtown business zone. The purpose is to establish a compact center that is centrally located and designed primarily for shoppers, diners, business proprietors and mercantile uses. It preserves the core of the downtown business district in Natick Center for commercial and mercantile uses. This was recommended by the town's planning consultant based on testimony from several property owners in the affected area. It was the general opinion of the consultants that if the residential conversion of properties within this proposed zone were to take place, there is a good possibility that commercial businesses would never come back to that area and it was important to maintain the commercial and mercantile nature of this small section of Natick's Center and the value it gives to the history and character of the town.

Questions from the Committee:

Ms. Wollschlager asked why this was limited to north of Route 135 and not extended further south down by Route 27 where there is existing retail business in the downtown district. Mr. Fields said they focused on the unique historic commercial buildings between north Middlesex Avenue, South Middlesex Avenue and Central Street. There was debate on whether to extend further south but felt the area, as demarcated, was the most logical and defensible from a historic commercial point of view. MS. Evans added that the neighborhood to the south of the downtown mixed district transitions more rapidly to residential than the area that is defined to the north. It was the recommendation of the consultants that limiting it to this core area would then allow a ring of mixed use to the surrounding businesses which is what is proposed as the downtown business district but still preserve this small heart that was purely business zone.

Mr. Lista asked whether there was overlap between the Article 30 zone and this zone. Mr. Fields replied creative production uses and our specialty craft fabrication are allowed in this zone by special permit.

Mr. Lista asked if the work/live arrangements in Article 30 could be addressed later and Mr. Field replied yes.

Mr. Lista asked if there are any residences in this zone currently. Mr. Fields said there are not and that the upper floors of these buildings within the zone are zoned for commercial uses.

Mr. Lista asked if analysis of the tax revenue impact of these zoning changes would be Mr. Fields replied that this analysis wasn't done.

Ms. Evans added that a mixed use project being proposed on Washington Street which is not within this zone.

Mr. Hayes asked if the specialty craft fabrication uses in Motion C and A, page 4 is based on the fact we might pass the prior motions and Mr. Field answered yes. Mr. Hayes asked if those motions do not pass this would be removed by default and Mr. Fields replied that in that scenario they would be removed

Article 32 – Motion A

Mr. Evans moved Favorable action on Article 32 Motion A, seconded by Mr. DeLuca, voted 10-0-0.

Mr. Evans thanked everyone for all the questions and to looking at the correct version and reconciling the issues. The objective of this article is sound.

Mr DeLuca added that the cyclical nature of businesses and the boom/bust of both real estate and commercial. When either real estate or commercial business is developed in an area in a boom time and then it goes through a bust. This helps alleviate the bust cycle and helps the town keep these historical sites vital to keep the character of a town.

Article 32 – Motion B

Mr. Evans moved Favorable action on Article 32 Motion B, seconded by Ms. Amsterdam, voted 10-0-0.

Mr. Evans said that this follows through on the initial idea.

Article 32 – Motion C

Mr. Evans moved Favorable action on Article 32 Motion C, seconded by Ms. Amsterdam, voted 10-0-0.

Article 32 – Motion D

Mr. Evans moved Favorable action on Article 32 Motion D, seconded by Ms. Amsterdam, voted 10-0-0.

Mr. Evans expressed his thanks for the map for illustrative purposes.

Ms. Wollschlager expressed a desire to include a disclaimer on the map.

[Article 33: Amend Zoning By-Laws: Non-Conforming Uses, Large Residential Additions Zoning Amendment](#)

Presenters:

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

Ms. Evans, Member – Planning Board

Mr. Fields: Residents have communicated to the Economic Development Department their view that the demolition and reconstruction of small residential properties in old residential neighborhoods and replacement with larger dwellings that are out of character with established construction is not desirable. This formalizes an existing policy of the Building Commissioner in regards to residential properties and also follows the practice in Arlington to regulate large additions. In this case, defined as the alteration or demolition or addition reconstruction that increases the gross floor area (FAR) of a single- or two-family dwelling greater than 1000 square feet or more than 50% of the dwelling whichever is less. Such large additions requires going before the Zoning Board of Appeals for a special permit process with specified criteria for determination are stipulated in Motion B. Ms. Evans said almost 70% of residential lots in Natick are nonconforming lots and we are looking at other means to address that. If someone wants to do a major demolition, the current practice is to apply to the Zoning Board of Appeals for a Section 6 Finding. This article establishes a more formal review process with site plan review that will provide an important tool to manage the increasing number of

demolitions and mega rebuilds. Mr. Fields added that when the addition is constructed entirely within the foundation and not outside of the foundation it is exempted from this motion.

Questions from the Committee:

Mr. Lista asked if this is directed at developers, current owners or both. Mr. Fields said it is directed at any property that is purchased and then reconstructed with a large addition. It would include owners who want to expand it beyond 50% of the gross FAR or a new buyer who wants to demolish and rebuild into a larger format. Ms. Evans added that this tends to occur most often when a property is sold whether to an individual or to a developer.

Mr. DeLuca asked how the footprint of the structure is defined in the 50% of square footage such as a detached garage or any separate outbuildings not attached to the livable structure. Mr. Fields said if an existing garage is attached to the primary dwelling it would be included, however if it is separate it would not count because it is not the primary married dwelling. Generally, out-buildings are not considered not habitable structures.

Mr. Coburn asked if a homeowner wanted to add a second floor addition that included a roof overhang that extended beyond the foundation, would that be considered part of this definition. Mr. Fields replied that extension over the vertical plane of the foundation would trigger this definition, depending on the additional space involved.

Ms. Wollschlager opined that the phrase *nonconforming single- family or two-family dwelling* is unclear and could be interpreted as nonconforming single- or two-family dwelling which may be conforming or nonconforming. Ms. Evans said by striking the word two-family after single- clarifies that and will be modified throughout the document.

Mr. Pierce asked how the town aware that this was a problem throughout Natick. Mr. Fields replied the testimony of several residents during the compilation of the 2030 Master Plan and has been a recurring subject of discussion and consternation with the Affordable Housing Trust (AHT). Several members of the AHT sought the assistance of CED) and the Planning Board to find ways to combat this problem.

Mr. Hayes asked if there was a maximum house size for any given lot size in residential zoning districts and Mr. Fields replied there is. Mr. Hayes asked if this motion worked in conjunction with that lot restriction or whether this motion allows more. Mr. Fields said this governs expansion for properties that are already nonconforming with a stricter set of characteristics than the Section 6 process.

Mr. Hayes asked how the Building Commissioner defined “attached”. Mr. Fields replied it is not defined in existing By-Laws, but would ask the Building Commissioner and get back to the Finance Committee with an answer. Mr. Hayes asked that CED and the Planning Board think about the ways people creatively figure out how to add additions to their house and return in the spring with tighter language on this topic.

Article 33 – Motion A

*Mr. Evans moved Favorable action on subject Article 33 Motion A, seconded by Mr. Sullivan, **voted 8-1-1.***

Mr. Evans thanked both the Planning Board and the CED for bringing this forward in order to establish clear ground rules so when construction projects are taking place they do not damage the character of the surrounding neighborhood. Driving around Natick, you see ample evidence of tear-downs and replacement with out-sized homes that change the character of neighborhoods. Mr. Evans expressed happiness that this bylaw takes it out of the realm of a judgment call where the ZBA might rule one way for one project and differently for another project. This establishes clear ground rules to guide the ZBA,

Mr. Sullivan added the value of homes could adversely be affected and has a negative financial impact on homeowners directly adjacent to those types of environments without clear guidelines in place.

Mr. DeLuca said there was a lot of hard work that went into this although he would like to see more clarification of attached focus on the garage element so loopholes are not exploited.

Mr. Lista said he is in support of this and it is important for preserving the character of the town. I hope there will be considerations for existing homeowners who would like to expand the footprint of their home they purchased not knowing their lot was nonconforming outside those exceptions that are in place. Mr. Lista also expressed concerns about the effect this might the passage of houses from one generation in a family to the next generation of a family.

Mr. Grome agreed and preferred to see two separate articles to make a specific differentiation between the existing homeowner and a demolition rebuild project. He stated, for that reason, he will not support this article because it does not make this differentiation.

Article 33 – Motion B

*Mr. Evans moved Favorable action on subject Article 33 Motion B, seconded by Mr. DeLuca, **voted 8-1-1.***

Mr. Evans said this establishes the processes that the ZBA will use to handle large additions and tear-downs.

Mr. DeLuca said we have a mix of housing stock covered under the regulations. We have a lot of high-end housing and some affordable housing, but everything in between is vulnerable to be purchased by developers and turned into top-end housing stock. This article helps sustain the middle-tier housing stock within the town.

Mr. Pierce said agreed. but is concerned about the goals of the 2030 Master Plan because the out-of-town developers are already shaping what Natick is going to look like in the future He expressed appreciation for this work to protect Natick residents.

Article 33 – Motion C

*Mr. Evans moved Favorable action on Article 33 Motion C, seconded by Mr. DeLuca, **voted 8-1-1.***

Mr. Evans echoed what Mr. DeLuca said on Motion B. Developers are not building affordable housing. The best way the town can preserve affordability and this is the best vehicle that we have to keep the character of existing neighborhoods is to support this. Mr. DeLuca agreed.

[Article 34: Amend Zoning By-Laws: Alternate Uses In Residential Districts Zoning Amendment](#)

Presenter:

Mr. Julian Munnich, Town Meeting member, Precinct 5?

Article 34 is a component of Article 27 of 2019 Spring Annual Town Meeting where I assisted in combining two divergent articles on home dog kennels into a single motion that both parties would agree on. However, one component was beyond the scope of the article. The people that wanted to protect the neighbors from onerous uses saw in other parts of the By-Laws where we already had established that if it is a use that is not normal to a residential neighborhood you did not have to put that activity into the setbacks as opposed to just buildings being set back. There needed to be a separate section as defined through the By-Laws. The problem with that was it technically may have encompassed other uses besides the kennel and the Moderator decided that was beyond the scope. There was a promise made to the proponents of the kennel that we would return with an article that would be allowed. We discovered three other for-profit uses that would be affected by this and four items would now have this exclusion. If any other of these uses came along, neighbors would expect that any activity that goes with them would also be excluded from the setbacks. The wording is the same as what was excised in the spring. The Planning Board and the Finance Committee had approved the wording in Spring 2019.

Questions from the Committee:

NONE

Mr. Hayes advised the committee that the proponent of Article 27, Mr. Beaumont has indicated he is in strong support of this article's motion and sent this email.

September 18, 2019

Re: Article 34

Dear Members of the Finance Committee,

My apologies for not attending in person. I am writing in support of Article 34. As a sponsor in the spring town meeting of article 26 and a principal of article 27, I would like to say that the setback requirements noted in Article 34 are in the spirit of Article 27 which was passed in the spring. These requirements should have been in article 27 and this new article 34 corrects the situation. I am in full support of article 34.

Thank you,
Signed,

Saul Beaumont
3 Fieldstone Lane
Natick, MA
.

Article 34 – Motion

*Mr. Coburn moved Favorable action on Article 34, seconded by Ms. Amsterdam, **voted 10-0-0.***

Mr. Coburn said this was very straight forward and stymied procedurally but otherwise supported.

Ms. Van Amsterdam said she appreciates the follow through on this article.

Article 35: Amend Zoning Bylaw – Retail Marijuana Overlay Districts

Presenters:

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

Ms. Evans, Member – Planning Board

Ms. Evans: The Planning Board has updated the map that incorporates the creation of three marijuana retail districts voted by Town Meeting. The lots marked in red in the Golden Triangle District were inadvertently omitted. Several maps marked in purple are the lots in the district being removed and designated by a tiny purple mark in the east near the Wellesley line is a small finger of lots located in the residential zone which should never have been included and will be removed.

Questions from the Committee:

Ms. Wollschlager asked if the parcel that was removed is the one located closest to the Wellesley line.

Ms. Evans confirmed it was a piece of a lot near Jennings Pond that when voted was the entire lot when it should have been that portion that is in the C-II Commercial District so the map shows you the physical interpretation of the definition change. Ms. Wollschlager asked if it could be made more visible. Ms. Evans said they could zoom in on the one in the east side and make sure their color choices shows a pattern to make it easier to pick out and will include it in the book.

Article 35 – Motion

*Mr. Evans moved favorable action on subject Article 35, seconded by Ms. Wollschlager, **voted 9 – 0 - 1.***

Mr. Evans noted that this article corrects errors in the previous zoning map.

Ms. Wollschlager thanked Ms. Evans for following up on this and finding the errors and when this comes before us in the future if we can have this checked beforehand to identify parcels that have been added or deleted erroneously. Ms. Evans agreed to do so.

Meeting Minutes:

Mr. Evans brought forth meeting minutes for approval.

*Mr. Hayes moved favorable action on Meeting Minutes March 19, 2019, seconded by Ms. Wollschlager, **voted 9 – 0 - 1.***

*Mr. Hayes moved favorable action as amended on Meeting Minutes September 3, 2019, seconded by Ms. Wollschlager, **voted 9 – 0 - 1.***

*Mr. Hayes moved favorable action as amended on Meeting Minutes September 5, 2019, seconded by Ms. Wollschlager, **voted 9 – 0 - 1.***

Mr. Evans will bring forth meeting minutes for September 10, 2019 at next Tuesday's meeting and possibly September 17, 2019 and tonight's at next Thursday's meeting.

Mr. Evans moved to close the public hearing on 2019 Fall Annual Town Meeting Warrant article review,

seconded by, Ms. Wollschlager, voted 10 – 0 – 0.

ADJOURN

Mr. Pierce moved to adjourn, seconded by Ms. Van Amsterdam, voted 10 – 0 – 0. Meeting adjourned at 9:17 pm.

ITEM TITLE: Article 2: Stabilization Fund

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 2 - 6 MOTIONS	9/26/2019	Exhibit
Free Cash Spend Down Plan as of 9-25-19	9/26/2019	Exhibit
Stabilization Fund Targets	10/1/2019	Exhibit

Article 2 Stabilization Fund (requires a majority vote)

Move that the Town vote to appropriate \$500,000 from Free Cash for the purpose of supplementing the Stabilization Fund established under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended.

Article 3 Operational/Rainy Day Stabilization Fund (requires a majority vote)

Move that the Town vote to appropriate \$500,000 from Free Cash for the purpose of supplementing the Stabilization Fund established under Article 4 of the warrant for 2011 Spring Annual Town Meeting, as authorized by Chapter 40, Section 5B of the General Laws, as amended.

Article 4 Capital Stabilization Fund (requires a majority vote)

Move that the Town vote to appropriate \$2,119,347 from Free Cash for the purpose of supplementing the Capital Stabilization Fund established by the vote of Article 2 of the 2010 Fall Annual Town Meeting, as authorized by chapter 40, Section 5B of the General Laws, as amended.

Article 5 OPEB Appropriation or Transfer of Funds (requires a majority vote)

Move that the Town vote to appropriate \$475,000 from Free Cash for the purpose of funding the Other Post-Employment Benefits Liability Trust Fund authorized by a vote of the 2017 Spring Annual Town Meeting under Article 15, as authorized by Chapter 32B, Section 20 of the General Laws as amended by Section 15 of Chapter 218 of the Acts of 2016.

Article 6 Collective Bargaining (requires a majority vote)

Motion A: Move that the Town vote to appropriate the total sum of \$402,767 from the Selectmen's Contract Settlement line item, as approved by vote of the 2019 Spring Annual Town Meeting under Article 8, for the implementation of the Terms of the Agreements reached between the Town and the following collective bargaining units: a) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Employees; b) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works' Department; c) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – AFL CIO Library Employees; d) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union AFL CIO – Facility Management Employees; e) Supervisors and Administrators Association (DPW); f) The Natick Patrol Officers' Association; g) New England Police Benevolent Association, Inc. Local 182, Dispatchers; for payment of wages effective July 1, 2018 through June 30, 2019. The total sum of \$402,767 shall be transferred to the following departmental line items as indicated below to supplement appropriations that were previously appropriated at the 2019 Spring Annual Town Meeting under Article 8:

Morse Institute Library – Salaries	\$82,052
Police Department – Salaries	\$190,262
Department of Public Works – Salaries	\$54,601
Health & Community Services – Board of Health Salaries	\$3,671
Health & Community Services – Community Services – Salaries	\$2,474
Administrative Support Services – Town Clerk Salaries	\$3,187
Administrative Support Services – Community Development Salaries	\$3,138
Shared Expenses – Facilities Management Salaries	\$63,382

Motion B: Move that the Town vote to appropriate the total sum \$34,954 from Water/Sewer Fund Retained Earnings, for the implementation of the terms of the agreement reached between the Town and Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Employees for payment of wages effective July 1, 2018 through June 30, 2019. The total sum of \$34,954 shall be transferred to the following departmental line items as indicated below to supplement appropriations that were previously appropriated at the 2019 Spring Annual Town Meeting under Article 8 Motion H1:

Water/Sewer – Salaries	\$34,954
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Town of Natick

Free Cash Appropriations - FATM 2019

<u>Item</u>		<u>Amount</u>	<u>Rationale</u>
Free Cash as of 7/1/2019		TBD	
.5% of G/F Revenue Set-Aside		TBD	Per Financial Management Policies
<u>2019 Fall Town Meeting</u>			
Article 2 - Transfer to Stabilization Fund		min (\$500,000)	Per Financial Management Policies
Article 3 - Transfer to Operational Stabilization Fund		min (\$500,000)	Per Financial Management Policies
Article 4 - Transfer to Capital Stabilization Fund (FY 2018 Local Option Taxes) + 600k		(2,119,347)	Per Financial Management Policies
Article 5 - Transfer to OPEB Stabilization Fund		(475,000)	Per Financial Management Policies
Article 1 - FY 20 Operations		(834,588)	
Article 42 - Feasibility Study Morse Institute Parkings		(15,000)	
Article 1 - LIUNA		(1,640,000)	General Fund Portion of LIUNA
<u>2020 Spring Town Meeting</u>			
FY 2021 Operating Budget		Remaining Balance	Free Cash for FY 2021 Operating Budget

Remaining Unallocated Balance

ITEM TITLE: Article 3: Operational/Rainy Day Stabilization Fund

ITEM SUMMARY:

ITEM TITLE: Article 4: Capital Stabilization Fund

ITEM SUMMARY:

ITEM TITLE: Article 5: Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds

ITEM SUMMARY:

ITEM TITLE: Article 6: Collective Bargaining
ITEM SUMMARY:

ITEM TITLE: Article 8: PEG Access and Cable Related Fund - Possible Reconsideration
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 8 MOTION	10/2/2019	Exhibit

ARTICLE 8

PEG Access and Cable Related Fund (Town Administrator)

Motion

Move that the Town vote to appropriate from the PEG Access and Cable Related Fund, established by vote of 2019 Special Town Meeting #1 under Article 1, as authorized by Chapter 44, Section 53F ¾ of the General Laws, as amended ,the sum of \$297,348.00 to fund PEG access programming.

ITEM TITLE: Article 9: Rescind Authorized, Unissued Debt
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 9 Motion	10/2/2019	Exhibit

Article 9: Rescind Authorized, Unissued Debt

Motion

Move that the Town vote to rescind authorized debt for a general fund land acquisition approved under Article 29 of the 2016 Spring Annual Town Meeting, in the amount of \$3,200,000 for the purpose of the acquisition of 22 Pleasant St.

ITEM TITLE: Town Meeting Recommendation Book - draft

ITEM SUMMARY:
