

**2014 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
November 13, 2014
Sixth Session**

The sixth session of the 2014 Fall Annual Town Meeting was called to order at 7:35 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the sixth session of 2014 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. There were none. The meeting stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; James Everett, Finance Committee Chair, Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Charles Hughes, Vice Chair of the Board of Selectmen.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at the last meeting. The proceedings of Town Meetings shall be governed by ***Town Meeting Time***, the Town of Natick Home Rule Charter, the Natick By-laws and the General Laws of the Commonwealth of Massachusetts (MGL). No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-laws, any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking thereon.

The motion to waive the reading of the text of all 2014 Fall Annual Town Meeting warrant articles and move to waive reading the text of motions, excluding the amounts to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of Recommendations of the Natick Finance Committee publications remains in effect.

Mr. Foss asked that all members to make sure that they picked up the handout from the Finance Committee regarding Special Town Meeting #1. The Finance Committee, at the request of the Sponsor, is recommending no action on these articles. Special Town Meeting must convene however, if a quorum is not reached and the Moderator does not believe that a quorum will be on any subsequent evening, he may dissolve the meeting.

Ms. White requested a minute to introduce Meena Jain, the new director of the Bacon Free Library.

The Moderator overruled the point of order which was raised by Mr. Griesmer at the previous meeting regarding the subject matter of Article 34. The first order of business will be Article 34. Moved by Mr. Everett, seconded by Mr. Evans to take Article 33, Motion C out of order and take it as the first order of business. ***The motion to take Article 33, Motion C out of order passed by two-thirds vote.*** The positive main motion remained on the floor from the previous session.

Article 33 - Capital Improvement - 2014 Fall Annual Town Meeting

MOTION C: (Two-thirds vote required)

Move that the Town vote to appropriate the sum of \$300,000 to be expended under the direction of the Department of Public Works for the purpose of replacing ground water wells, individually shown as item 10 in Table C below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$300,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$300,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program.

TABLE C, MOTION C: Article 33- Capital Improvement - 2014 Fall Annual Town Meeting

10	Water & Sewer	Replace Ground Water Wells	W/S Borrowing	\$	300,000
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Appropriation under Article 33: MOTION C **\$ 300,000**

Moved by Mr. Linehan, seconded by Ms. Gloff to amend the main motion and insert in its place the motion detailed above. Moved by Mr. Sidney, seconded by Mr. Gath to waive the reading of the motion. ***The motion to waive the reading of the motion passed unanimously. The amendment to the main motion passed by majority vote. The amended main motion passed by two-thirds vote.***

ARTICLE 34: Amend Zoning By-Laws: Accessory Retail and/or Restaurants (Economic Development Committee)

To see if the Town will vote to amend the Zoning Bylaws to add a new use of “Accessory Use Retail and/or Restaurant”, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 9-2-0 on October 22, 2014, the Finance Committee recommends Favorable Action with regard to the subject of Article 34.*

MOTION (requires two-thirds vote):

Moved by Mr. Joseph, seconded by Mr. Gath that the Town vote to amend the Town of Natick Zoning Bylaws by adding a new use “37A. Accessory Use Retail / Restaurant” as follows:

In Section III-A.2 Use Regulations Schedule insert:

“Accessory Use Retail / Restaurant”: A retail and/or restaurant accessory use is allowed provided that: it is no larger than either 10% of the area of the total building in which it is contained or 1,000 sq. ft. - whichever is less; the principal purpose of the retail and/or restaurant accessory use is to sell and/or to serve the goods, services and/or food which is prepared in the balance of the building; and, the activity in the balance of the building be an allowed principal use under the zoning bylaw. The accessory use shall be conducted in such a manner that noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises.

	BUSINESS USES	RG	RM	RS	PC D	SH	AP	DM	CII	INI	INII	H
37A.	Accessory Use Retail / Restaurant	O	O	O	O	O	O	(*)	O	A	A	O

Mr. Joseph gave a presentation on this article. Discussion on the article ensued. Moved by Mr. Connolly, seconded by Ms. Brown to refer the subject matter of Article 34 to the Planning Board. Moved by Ms. Coughlin, seconded by Ms. Foss to amend the referral motion to add the Sponsor. ***The amendment to the referral motion passed by majority vote.*** Two motions remain on the floor; a positive main motion and the amended referral motion which will be discussed concurrently.

Moved by Mr. Griesmer, seconded by Mr. Sidney to amend the main motion to add after the word “premises” the words “(See Note 3)” and add the following note at the bottom of the page in the Use Regulation Schedule. “Note 3: Accessory Use Retail / Restaurant shall be allowed only on land in the Industrial 1 and Industrial 2 zones where such Industrial I and Industrial II land does not underlie an overlay zone.” ***The amendment failed.*** Moved by Mr. Hughes, seconded by Mr. Sidney to move the question closing debate on the motions. ***The motion to close debate on the question passed by two-thirds vote. The motion for referral failed.*** The vote on the main motion was taken and the Moderator announced that the vote would be

counted. *The counted vote announced by the Moderator as 60 affirmative to 44 negative. Such did not tally to the necessary two-thirds vote under Article 34.*

ARTICLE 37: Amend Zoning By-Laws: Facilitate Historic Building Preservation in Natick (Randy Johnson, et al)

To see if the Town will vote to amend the Zoning By-Laws to encourage the adaptive re-use of historic sites, structures and buildings by broadening and modifying use and dimensional regulations that may otherwise impede historic or architectural preservation efforts.

Finance Committee Recommendation: *By a vote of 10-1-1 on September 30, 2014, the Finance Committee recommends Referral to the Sponsor with regard to the subject of Article 37. The Finance Committee reconsidered this article and by a vote of 10-1-0 on October 22, 2014, recommended Favorable Action with regard to the subject of Article 37.*

MOTION (requires two-thirds vote):

Moved by Mr. Evans, seconded by Mr. Everett to amend the Town of Natick Zoning By Laws by adding a new section “III-J: Historic Preservation”, and a new Designation to section VI-DD 2. a).

“Section III-J: Historic Preservation

1. **Purpose.** The purpose of this Section III-J is:
 1. To encourage the preservation and continued use of buildings of historic or architectural significance.
 2. To protect the existing character of neighborhoods by the adaptive re-use of such buildings or structures.
2. **Applicability.** The Special Permit Granting Authority (“SPGA”) may grant a special permit for re-use, construction, and occupancy of buildings, and structures relating to qualifying buildings, if either of the following criteria are met:
 1. Determination by the State Historical Commission that the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such.
 2. Unanimous vote of the Natick Historical Commission, subsequent to a public hearing, that the building or structure is of historic, architectural or cultural significance.
3. **Permitted Uses.** Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses:
 1. Town Houses;
 2. Apartment House;
 3. Home Occupation/Customary Home Occupation
4. **Jurisdiction.** Where the proposed uses of a parcel in any district under this Section would require obtaining a special permit, the Planning Board shall act as the SPGA.
5. **Pre-Application Review.** To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the SPGA and Community Development Director for general discussion, using the aquifer protection, soil survey, drainage, topographic and other data available from the Town.
6. **Application.**
 1. The applicant for a Historic Preservation development project shall submit to the SPGA a formal application for a special permit and site plan review, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the SPGA relative special permits and site plan review. The application shall be filed in the name of the record owner of the parcel to be developed. Date of application shall be the date when filing is made with the SPGA.

2. Special Permit; Procedures. In addition to the requirements of the Rules and Regulations of the SPGA, the following additional requirements shall apply:
 - a. A fire prevention and fire suppression plan.
 - b. Hazardous materials assessment, removal or remediation plan.
 - c. Itemization of historic features and materials for preservation.

3. The applicant may request in writing a waiver of any of the foregoing requirements in paragraph 2, above, which request shall be communicated by the SPGA within three (3) business days of its receipt to the Board of Health, the Historical Commission and the Design Review Board (hereinafter, the "Advisory Bodies"). Unless one of the Advisory Bodies communicates its decision to require the materials sought to be waived, within twenty two (22) days of the making of such request, the waiver may be granted by the SPGA.

4. The SPGA shall provide copies of the application and all other submittals of the applicant within three business days of filing to the Advisory Bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to twenty two (22) days following the filing of the application.

5. All reports of any of the Advisory Bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.

7. Requirements. A Historic Preservation development project must conform to the following:

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. Net Useable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel.
2. Notwithstanding 7.1 the number of dwelling units allowed shall be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.
3. New construction shall be limited to 10 percent of the interior habitable floor area or above grade gross volume of the historic building. This shall exclude aspects of construction that pertain to components required for code compliance for access and egress, such as stairs and elevators.
4. Intensity Regulations: The SPGA may, for new construction, modify the dimensional requirements for the district by up to 10 percent.
5. Flood Zones. No construction shall take place within the 100 year flood elevation except in conformity with the requirements and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.

8. Modification and Waivers. Except as specifically stated in this Section III-J, the SPGA may modify and/or waive strict compliance with one or more of the regulations of the Districts in which a Historic Preservation project is located provided that it makes a specific finding, in writing, that such waiver and/or modification will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located, than if the waiver and/or modification were not granted, and further that such waiver and/or modification is necessary in order to encourage the preservation of the historic building.

9. Special Permit Criteria. Approval of the application for a special permit to allow for a Historic Preservation project shall be granted only upon SPGA determination that the Plan is superior to a conventional site development. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The proposed project substantially preserves the building or structure.
2. Determination that the development is not substantially more detrimental to abutting properties and neighborhood.

3. Appropriate use of materials and manner of construction.
4. Preservation of landscape features and scenic views.”

Mr. Johnson spoke to this article. Mr. Connolly moved, seconded by Mr. Hughes to refer the subject matter of Article 37 to the Planning Board and the Sponsor. Moved by Mr. Hughes, seconded by Mr. Awkward to move the question closing debate. ***The motion to close debate passed by a two-thirds vote. The referral motion failed. The main motion passed by a two-thirds vote.***

Moved by Mr. Joseph, seconded by Ms. Coughlin to take Articles 39 and 40 out of order. ***The motion passed by two-thirds vote.***

ARTICLE 39: Authorization for Selectmen to Establish a Tax Increment Financing Plan Standard for Designated Retail, Restaurant, and/or Manufacturing Uses within Natick Downtown Mixed Use Zone (Paul Joseph, et al)

To see if the Town will vote to authorize the Board of Selectmen to adopt a Tax Increment Financing Plan Standard (“Standard”) to provide guidelines for entering into a Tax Increment Financing Plan (“Plan”) for property within the Natick Downtown Mixed Use Zone.

Finance Committee Recommendation: *The Finance Committee has no recommendation with regard to the subject of Article 39.*

MOTION (requires majority vote):

Moved by Mr. Joseph, seconded by Mr. Gath to endorse a Tax Increment Financing (TIF) Standard for businesses located within the Downtown Mixed Use zone and whose primary industry classification(s) is (are) included in the following TIF Standard Table.

The terms of the TIF agreement(s) shall not exceed the “Maximum Allowable TIF” amount(s) and/or term(s) outlined in the “TIF Standard Table” below.

The Board of Selectmen shall collaborate with relevant departments, boards, committees and/or organizations prior to defining specific TIF terms (examples include, but are not limited to: Community Development Department, Economic Development Committee, Planning Board, and Natick Center Associates).

TIF Standard Table

Business Type	SIC	2012 NAICS	Maximum Allowable TIF
Grocery/Food Store (>=10,000 s.f.)	54	445110, 445299	100% of incremental tax, term of 20 years
Grocery/Food Store (less than 10,000 s.f.)	54	445110, 445299	100% of incremental tax, term of 20 years
Restaurants	5812	72251	100% of incremental tax, term of 20 years

Mr. Joseph made a presentation on this article and discussion ensued. Moved by Mr. Hughes, seconded by Mr. Jennett to move the question closing debate. ***The motion to close debate passed by a two-thirds vote. The main motion under Article 39 passed by majority vote.***

ARTICLE 40: Authorization for Selectmen to Establish a Tax Increment Financing Plan Standard for Designated Retail, Restaurant, and/or Manufacturing Uses within Industrial Zone I located within ½ mile radius of Natick Center (Intersection of Rte 27 and Rte 135) (Paul Joseph, et al)

To see if the Town will vote to authorize the Board of Selectmen to adopt a Tax Increment Financing Plan Standard (“Standard”) to provide guidelines for entering into a Tax Increment Financing Plan (“Plan”) for property within Industrial Zone I located within ½ mile radius of Natick Center (Intersection of Rte 27 and Rte 135).

Finance Committee Recommendation: *The Finance Committee has no recommendation with regard to the subject of Article 40.*

MOTION (requires majority vote):

Moved by Mr. Joseph, seconded by Mr. Jennett to endorse a Tax Increment Financing (TIF) Standard for businesses located within Industrial Zone I located within ½ mile radius of Natick

Center (Intersection of Rte 27 and Rte 135) and whose primary industry classification(s) is (are) included in the following TIF Standard Table.

The terms of the TIF agreement(s) shall not exceed the “Maximum Allowable TIF” amount(s) and/or term(s) outlined in the “TIF Standard Table” below.

The Board of Selectmen shall collaborate with relevant departments, boards, committees and/or organizations prior to defining specific TIF terms (examples include, but are not limited to: Community Development Department, Economic Development Committee, Planning Board, and Natick Center Associates).

TIF Standard Table

Business Type	SIC	2012 NAICS	Maximum Allowable TIF
Grocery/Food Store (>=10,000 s.f.)	54	445110, 445299	100% of incremental tax, term of 20 years
Grocery/Food Store (less than 10,000 s.f.)	54	445110, 445299	100% of incremental tax, term of 20 years
Restaurants	5812	72251	100% of incremental tax, term of 20 years

Mr. Joseph spoke to the article. Moved by Mr. Sidney, seconded by Mr. Gath to waive the reading of the motion. ***The motion to waive the reading of the motion passed by majority vote.*** Moved by Mr. Griesmer, seconded by Ms. Collins to refer the article to the Board of Selectmen and the Sponsor. ***The referral motion under Article 40 passed by majority vote.***

At this time the Moderator thanked all the pages, the custodial staff at the High School, Pegasus the Town Clerk’s staff and all the other people who help to make sure that Town Meeting proceeds on schedule and smoothly.

ARTICLE 38: Authorization for Selectmen to Enter into Tax Increment Financing Plan for Infinium, Inc. Expansion in Natick (Paul Joseph, et al)

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Increment Financing Plan, which Plan shall include, without limitation, an agreement between the Town and Infinium, Inc. pursuant to Chapter 40, Section 59 of the Massachusetts General Laws, in connection with Infinium Inc.’s expansion within (a) property located within the boundaries of Natick’s two designated Economic Opportunity Areas (EOAs) – East Natick Industrial Park and Natick Business Park or (b) an otherwise suitably-zoned industrial structure in excess of 10,000 square feet, and which is the subject matter of a Certified Project Application prepared by Infinium, Inc., and to authorize the Board of Selectmen to execute such documents and to take such action as is necessary to obtain approval of the Certified Project Application and to implement said Tax Increment Financing Plan, a copy of which is on file in the office of the Natick Town Clerk, or to otherwise act thereon.

Finance Committee Recommendation: *By a vote of 11-0-0 on October 22, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 38.*

MOTION (majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that no action be taken on the subject of Article 38.

The motion to take no action passed by majority vote.

Mr. Hughes moved, seconded by Mr. Sidney to dissolve 2014 Fall Annual Town Meeting. ***The motion to dissolve passed by a majority vote. The 2014 Fall Annual Town Meeting dissolved at 10:25 PM.***

A record of the Sixth Session of
2014 Fall Annual Town Meeting
November 13, 2014

Diane Packer, Town Clerk