

**2017 Special Town Meeting #1
Joseph P. Keefe Auditorium
Wilson Middle School
May 16, 2017
Third Session**

The Third Session of the 2017 Special Town Meeting #1 was called to order at 7:40 PM by the Town Moderator, Frank W. Foss. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Third Session of the 2017 Special Town Meeting #1. The Moderator asked the audience to stand 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; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Jonathan Freedman, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations; and a representative from Option Technologies who will be operating the electronic voting system.

The Moderator announced that the rules which were accepted by Town Meeting at previous meetings remained in effect. The Moderator made several community announcements

Moved by Mr. Sidney, seconded by Mr. Gath to adjourn Special Town Meeting #1 until the Spring Annual Town Meeting is dissolved. *The motion passed unanimously (by hand count).*

The third session of the 2017 Special Town Meeting #1 adjourned at 7:50 PM.

The third session of the 2017 Special Town Meeting #1 reconvened at 9:10 PM. The first order of business was Article 1.

ARTICLE 1: Amendments to the Town of Natick Zoning By-Law and Zoning Map (Town Administrator)

To see if the Town will vote to:

- 1) Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, by rezoning from Industrial II (INII) to Highway Mixed Use I (HMI) or other zoning district as appropriate the following properties:
 - a.) Town of Natick Assessors' Map 17, Lot 8, including approximately to the center line of Route 9 to the south [including but not limited to a portion of the property known as 1185 Worcester Street]
 - b.) Town of Natick Assessors' Map 17, Lots 10, 11, 12; Map 25, Lots 252A, 252B, 253, 253A, 253B; and Map 26 Lot 168C; including approximately to the center line of Route 9 to the south [including but not limited to properties known as 1065-1085 Worcester Street]; and including the portion of Lake Cochituate surrounded by these lots;
- 2) Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, by rezoning from Highway Corridor (HC) Overlay District to Regional Center (RC) Overlay District or other overlay district as appropriate, the following properties:
 - a) Town of Natick Assessors' Map 17, Lots 10, 11, and 12; Map 25, Lots 252A, 252B, 253, 253A, 253B; and Map 26 Lot 168C; including approximately to the center line of Route 9 to the south; and including the portion of Lake Cochituate surrounded by these lots;
- 3) Amend the Town of Natick Zoning By-Law, Section III-B (3), (4), and (5) regarding Large Parcels, by amending and/or altering the minimum parcel threshold for Large Parcels;
- 4) Amend the Town of Natick Zoning By-Law, Section II-B Location of Districts, by deleting and/or amending any or all subsections from subsection 7 to the end of Section II-B;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 13-0-0 on May 1, 2017 the Finance Committee recommended *Favorable Action* with regards to the subject matter of Article 1.

MOTION: (Requires a two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes that the zoning bylaws be amended as follows:

- 1) Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, by rezoning from Highway Corridor (HC) Overlay District to Regional Center (RC) Overlay District the following properties:
 - a. Town of Natick Assessors' Map 17, Lots 10, 11, and 12; Map 25, Lots 252A, 252B, 253, 253A, 253B; and Map 26 Lot 168C; including approximately to the center line of Route 9 to the south; and including the portion of Lake Cochituate surrounded by these lots;
- 2) Delete the text of Section II-B Location of Districts after subsection 6.

As amended Section II-B Location of Districts shall read:

II-B LOCATION OF DISTRICTS (Zones)

1. Said districts (Paragraph II-A above) are located and bounded as shown on a map entitled "Zoning Map of Natick, Massachusetts.", on file in the offices of the Town Clerk and Town Planning Board dated February 10, 1960. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this bylaw and shall be re-issued annually by the Planning Board to incorporate such amendments as may be made by Town Meeting action and approved as required by the Attorney General of the Commonwealth of Massachusetts.
2. Where a boundary is shown as following a street, railroad or utility, the boundary shall be the center line thereon unless otherwise indicated.
3. Where a boundary is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the center line thereof, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.
4. Where a boundary is shown as following a water-course, the boundary shall coincide with the center line thereof as said line existed at the date of the zoning map.
5. Where the location of a boundary line is otherwise uncertain, the Building Inspector shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale.
6. Where a boundary is shown as following a contour line, this line shall be the contour line of the indicated elevation above mean sea level as shown on all applicable topographic maps of Natick by the Geological Survey, United States Department of the Interior, or any other Town accepted survey map, corrected to the U.S.G.S datum plane.

Mr. Errickson, Director of Community and Economic Development, made a presentation on this article. There was discussion on this article. *The main motion under Article 1 passed by a two-thirds vote (123-2-2).*

ARTICLE 2: Application of Bond Premiums to Project Costs or Other Capital Projects (Town Administrator)

To see if the Town will vote to (i) appropriate the premium paid to the Town upon the sale of bonds issued on April 27, 2017 to pay costs of capital projects and to reduce the amounts appropriated for such projects by the same amount, and (ii) supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12-0-0 on May 1, 2017 the Finance Committee recommended *Favorable Action* with regards to the subject matter of Article 2.

MOTION: (Requires a two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes that the Town vote to (i) appropriate \$1,468,000 from the premium paid to the Town upon the sale of bonds issued on April 27, 2017 (the “Bonds”) to pay costs, on a pro-rata basis, of the projects financed with the proceeds of such Bonds; and (ii) supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Mr. Townsend, Deputy Town Administrator and Finance Director spoke to this article. The Town receives a premium on a bond sale, over and above the amount of bonds sold, derived from the excess funds generated in the reoffering of the bonds by the purchaser in the secondary market. The use of premium in this way is now mandated by the Municipal Modernization Act, MGL c.44 sec.20, and its use in this manner automatically reduces the authorization amount of the bonds, so there are no excess funds being used for the project. Mr. Townsend explained that this article will reduce overall bonding costs and allow the Town to adjust borrowing premiums to comply with changes to the law as mandated. *The main motion under Article 2 passed unanimously (120-0-0).*

ARTICLE 3: Amend Zoning By-Laws: Reasonable Regulation of Uses Exempted from Permitting (Cathleen Collins et al.)

To see if the Town will vote to amend the Zoning Bylaws including but not limited to adding new sections and/or definitions, and/or amending existing sections and/or definitions and/or applying existing regulations in order to provide for Site Plan Review and reasonable regulations concerning the bulk and height of structures and determining yard size, lot area, setbacks, open space, parking, and building coverage requirements of land, structures, and uses as provided in and/or otherwise exempted from any local permitting and/or local zoning control per Massachusetts General Laws chapter 40A, section 3, the so-called Dover Amendment, relevant case law and/or other State or Federal statute; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on May 16, 2017 the Finance Committee recommended *Favorable Action* with regards to the subject matter of Article 3.

MOTION: (Requires a two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes that the Zoning Bylaws be amended as follows:

-In Section III – USE REGULATIONS, following subsection III - A.6, add a new subsection as follows:

“III – A.7 Regulation of Land or Structures for Purposes Otherwise Exempted from Permitting

1. Purpose: To provide for the reasonable regulation of land and structures exempted from permitting by Massachusetts General Laws chapter 40A, §3, or other State or Federal statute.
2. Subject to the limitations of G.L. c. 40A, §3 or other State or Federal statute, and notwithstanding anything to the contrary, the development, redevelopment, alteration, or conversion of land or structures for such an exempted purpose shall be subject to Site Plan Review by the Planning Board per Section VI-DD 2B and the following:
 - a) In reviewing the site plan submittal made under this section, the following criteria shall be considered:
 - i. relationship of the bulk, height of structures, and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area, and compliance with other requirements of this Bylaw, which includes but is not limited to lot coverage, yard sizes, lot areas and setbacks;

- ii. physical layout of the structures, driveways, utilities and other infrastructure as it relates to the convenience and safety of vehicular and pedestrian movement on the site and in relation to streets and properties in the surrounding area, and for the location of driveway openings in relation to street traffic and to adjacent streets, so as to prevent traffic congestion and dangerous access within the site and onto existing ways, and when necessary, compliance with other requirements for the disabled, minors or the elderly;
 - iii. adequacy of the arrangement of parking and loading areas in relation to the proposed use of the site;
 - iv. physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts on neighboring properties and excessive light pollution to the standards of Section V-I; and
3. Intensity Regulations:
- a) In all non-residential districts the intensity regulations shown on, or referenced in, Table IV – B shall apply.
 - b) In all residential districts:
 - (i) The intensity regulations shown on, or referenced in, Table IV – B shall apply.
 - (ii) All parking, areas of active use, play areas, communal gathering areas, and storage; whether in buildings, accessory structures, or outdoor; shall be subject to the district’s setbacks as shown in Table IV – B
 - (iii) Except as otherwise stated in subsection 3b)(iv), the Floor Area Ratio (FAR) shall not exceed 0.17
 - (iv) For a Child Care Facility: The ground area covered by the Building in which such business is located, up to 2,500 square feet, shall not exceed the Maximum % Building Coverage for the zoning district in which it is located. For a Building with a ground area coverage in excess of 2,500 square feet the Floor Area Ratio (FAR) shall not exceed 0.17
 - (v) Sky Exposure Plane: The roof of the building may not project beyond sky exposure planes determined from the lot lines in a rise:run ratio of 1:1.
4. Savings Clause: If any provision, clause, subsection, or other part of Section III-A.7 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect, to the extent permitted by law”

-In Section 200 Definitions add a new definition:

“CHILD CARE FACILITY: A child care center or school age child care program as those terms are defined in G.L. c 15D, §1A.”

-In Section V-D. 3, add a new subsection:

“v) For nursery schools and child care facilities - 1 space per 5 children the facility is licensed to serve”

-In Section III-A.2 USE REGULATIONS TABLE, add a new footnote to Uses 47, 48, & 49.

“‡ Except as such Use is otherwise exempted from permitting by Massachusetts General Laws chapter 40A, section 3, or other State or Federal statute, in which case it is subject to Section III – A.7.”

Ms. Collins spoke to this article. She explained that the purpose of this by-law is to provide for the reasonable regulation concerning the bulk and height of structures and determining yard size, lot area, setbacks, open space, parking, and building coverage requirements of land, structures, and uses otherwise exempted from local zoning requirements per MGL c.40A, section 3. There was discussion and questions. *The main motion under Article 3 passed by a two-thirds vote (112-3-2).*

Mr. Foss thanked the Clerk’s office staff, custodial staff, the Pages and Pegasus for all their work to assure that Town Meeting runs smoothly. Mr. Ostroff thanked the Moderator for his work during Town Meeting.

**ARTICLE 4: Home Rule Petition – Cochituate Rail Trail Bridge Sponsorships
(Town Administrator)**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

“AN ACT AUTHORIZING THE MUNICIPALITIES OF NATICK AND FRAMINGHAM TO NAME CERTAIN BRIDGES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of Chapter 85 and Chapter 30B of the General Laws, or any other general or special law to the contrary, the municipalities of Natick and Framingham are authorized to offer, execute agreements for, and receive revenues from the sponsorship of bridges crossing state highways on or along the Cochituate Rail Trail.

SECTION 2. All revenues received from said sponsorships shall be used for open space and/or park purposes.

SECTION 3. All revenues received from said sponsorships of a bridge across Route 9 shall be exclusively for the town of Natick.

SECTION 4. All revenues received from said sponsorships for a bridge across Route 30 shall be evenly divided between the municipalities of Natick and Framingham.

SECTION 5. The form, material and size of signage to be installed within any state layout pursuant to this act are subject to the approval and regulations of the Massachusetts Department of Transportation.

SECTION 6. This act shall take effect upon its passage.”

or otherwise act thereon

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee did not have a recommendation with regards to with regards to the subject matter of Article 4.

MOTION: (Requires a two-thirds majority)

Moved by Mr. Ostroff, seconded by Mr. Jennett to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

“AN ACT AUTHORIZING THE MUNICIPALITIES OF NATICK AND FRAMINGHAM TO NAME CERTAIN BRIDGES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of Chapter 85 and Chapter 30B of the General Laws, or any other general or special law to the contrary, the municipalities of Natick and Framingham are authorized to offer, execute agreements for, and receive revenues from the sponsorship of bridges crossing state highways on or along the Cochituate Rail Trail.

SECTION 2. All revenues received from said sponsorships shall be used for open space and/or park purposes, including acquisition, creation, preservation, improvements, debt, and maintenance of open space and/or parks; provided, however, in the case of the town of Natick, the use of any such revenues shall first be used towards outstanding debt for acquisition of land for the Cochituate Rail Trail prior to use of such revenues for any other purpose.

SECTION 3. All revenues received from said sponsorships of a bridge across Route 9 shall be exclusively for the town of Natick.

SECTION 4. All revenues received from said sponsorships for a bridge across Route 30 shall be evenly divided between the municipalities of Natick and Framingham.

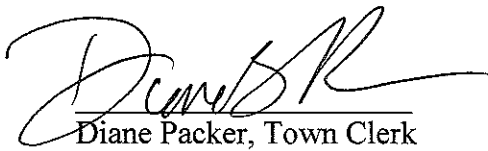
SECTION 5. The form, material and size of signage to be installed within any state layout pursuant to this act are subject to the approval and regulations of the Massachusetts Department of Transportation.

SECTION 6. This act shall take effect upon its passage.”

Mr. Ostroff spoke to this article. *The main motion under Article 4 passed by a two-thirds vote (108-4-2).*

Moved by Mr. Sidney, seconded by Mr. Ostroff to dissolve 2017 Special Town Meeting #1. *The motion to dissolve 2017 Special Town Meeting #1 passed unanimously. The meeting dissolved at 10:30 PM.*

A record of the Third Session of
2017 Special Town Meeting #1
May 16, 2017


Diane Packer, Town Clerk