

ARTICLE LIST
SPECIAL TOWN MEETING NO. 1
DECEMBER 19, 2006

- Article 1 Street Acceptance
- Article 2 40R Smart Growth By-Law
- Article 3 Establish 40R Smart Growth Overlay District-Natick Paperboard Site
- Article 4 Establish AP District – Natick Paperboard Site
- Article 5 Zoning By-Law: Amend Cluster Development in AP District
- Article 6 Cochituate Rail Trail – Fund Preliminary Services

ARTICLE 1
(Town Administrator)
Street Acceptance

To see if the Town will vote to accept the following streets and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk:

Woodbury Lane
Manchester Place

ARTICLE 2
(Planning Board)
General Laws 40R Smart Growth By-Law

To see if the Town will vote to amend the Zoning By-Laws by adding to Section II-A.6.c Affordable Housing the following new section:

“C—SMART GROWTH OVERLAY DISTRICT PROGRAM (SGO)

SECTION C: SMART GROWTH OVERLAY DISTRICT (SGO District)

1. PURPOSE

The Smart Growth Overlay (SGO) District Program is established pursuant to Massachusetts G.L. c. 40R. It is the purpose of the SGO to encourage smart growth and increased housing production in the Town of Natick. Smart growth is a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves open space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.

2. DEFINITIONS

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 2.0, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Administering Agency – A qualified housing entity will be designated by the PAA pursuant to Section 6.2, to review and implement the Affordability requirements affecting Projects under Section 6.0.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

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Applicant – the individual or entity that submits a Project for Plan Approval.

As-of-right - a use allowed under Section 5.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 9.0 through 13.0 shall be considered an as-of-right Project.

Department or DHCD - the Massachusetts Department of Housing and Community Development.

Design Standards – means provisions of Section 13.0 or design standard provisions of the PAA Regulations, made applicable to Projects within the SGO District that are subject to the Plan Approval process.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

PAA Regulations – the rules and regulations of the PAA adopted pursuant to Section 9.3.

Plan Approval - standards and procedures which [certain categories of] Projects in the SGO District must meet pursuant to Sections 9.0 through 13.0 and the Enabling Laws.

Plan Approval Authority (PAA) - The local approval authority is the Natick Planning Board which is authorized under Section 9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGO District.

Project - a Residential Project undertaken within the SGO District in accordance with the requirements of this Section.

Residential Project - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

SGO District – the Smart Growth Overlay District established in accordance with this Section.

Zoning Bylaw - the Zoning Bylaw of the Town of Natick.

3. OVERLAY DISTRICT

3.1 Establishment. The Smart Growth Overlay District, hereinafter referred to as the “SGO District,” is an overlay district having a land area of approximately 6.357 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled Smart Growth Overlay District, see Attachment 1. This map is hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

4. APPLICABILITY OF SGO DISTRICT

4.1 Applicability of SGO District. An applicant may seek development of a Project located within the SGO District in accordance with the provisions of the Enabling Laws and this Section, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

4.2 Underlying Zoning. The SGO District is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGO District, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

4.3 Administration, Enforcement, and Appeals. The provisions of this Section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A..

5. PERMITTED USES

The following uses are permitted as-of-right for Projects within the SGO District.

5.1 Residential Projects. A Residential Project within the SGO District may include:

- a) Single-family, 2 and 3 family use, Multi-family Residential Use
- b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c) Accessory uses customarily incidental to any of the above permitted uses.

6. HOUSING AND HOUSING AFFORDABILITY

6.1 Number of Affordable Housing Units. For all Projects not less than twenty percent (20%) of housing units constructed shall be Affordable Housing.

6.2 Administering Agency. A qualified housing entity will be selected to be the administering agency by the PAA (the “designating official”). In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGO District, and on a continuing basis thereafter, as the case may be:

1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. the housing marketing and resident selection plan conform to all requirements and are properly administered;
4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

6.3 Affordability Information Submission Requirements. As part of any application for Plan Approval for a Project within the SGO District submitted

under Sections 9.0 through 13.0, the Applicant must submit the following documents to the PAA and the Administering Agency:

- 1) a narrative document and marketing plan that establishes the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly;
- 2) evidence that the Project complies with the cost and eligibility requirements of Section 6.4:
- 2) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5; and
- 3) a form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

6.4 Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Natick.

6.5 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

6.6 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. specification of the term of the affordable housing restriction which shall be no less than thirty years;
2. the name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Natick, in a form

- approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town of Natick, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
 12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
 13. a requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

6.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

6.8 Age Restrictions. Nothing in this Section shall permit the imposition of restrictions on age upon all Projects throughout the entire SGO District. However, the Administering Agency may, in its review of a submission under Section 6.3, allow a specific Project within the SGO District designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

6.9 Phasing. For any Project that is approved and developed in phases in accordance with Section 9.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

6.10 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived.

7. SITE PLAN DIMENSIONAL AND DENSITY REQUIREMENTS

7.1 List of Requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, the density and dimensional requirements applicable in the SGO District are as follows:

a) Pursuant to the requirements of this Section, an Applicant may construct in the SGO District any combination of single-family residential units, 2-3 family residential units, and multi-family residential units. A “Multi-family residential unit” is any structure containing four or more residential units. Residential units in the SGO District may include existing residential units within the SGO District, infill units on vacant lots within the SGO District, or additional housing units within existing buildings in the SGO District.

b) Density: The maximum number of dwelling units allowed in the SGO District shall be:

- i) Single-family residential units: 8 units per acre.
- ii) 2-3 family residential units: 12 units per acre.
- iii) Multi-family residential units: 28 units per acre.

c) **INTENSITY REGULATIONS**

Minimum lot area

- Single-family units: 5,000 square feet
- 2-3 family units: 7,000 square feet per structure
- Multi-family units: 1,550 square feet per unit

Continuous frontage: 40 feet

Minimum depth: 100 feet

Minimum setback, front: 25 feet

Minimum side-yard setback: 10 feet

Minimum rear-yard setback: 10 feet

Minimum setback from rail
right of way 40 feet

Maximum building coverage: 40%

Maximum building height: 40 feet

Minimum open space: 35%

8. PARKING REQUIREMENTS

The parking requirements applicable for Projects within the SGO District are as follows.

8.1 Number of parking spaces. Unless otherwise approved by the PAA, the following minimum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures, and shall be provided at a rate of 1.5 spaces per unit within a SGO District.

The PAA may allow for additional visitor parking spaces beyond the 1.5 spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in Sections 8.2 and 8.3 below if sufficient information is submitted which appropriately addresses the need for overall parking upon the project site. The PAA is not obligated to make such reduction in the absence of

overwhelming evidence necessary to satisfy parking demand created by the subject project.

8.2 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

8.3 Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, negative impact surrounding areas, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.

8.4 Location of Parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

9. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

9.1 Plan Approval. An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 9.0 through 13.0, and shall be subject to site plan review and approval by the PAA. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws, subject to site plan review. The following categories of Projects shall be subject to the Plan Approval process:

- a) Any Residential Project b) Any project seeking a waiver.

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9.2 Plan Approval Authority (PAA). The Natick Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGO District

9.3 PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development. One such requirement is that of project Application Fees which are set at \$2,000 plus \$.05 (five cents) per gross floor area per each project plan submission.

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9.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.9.

10. PLAN APPROVAL PROCEDURES

10.1 Preapplication. Prior to the submittal of a Plan Approval submission, a “Concept Site Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Site Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Site Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards, site plan provisions and other requirements of the SGO District.

10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, with the application fee(s) which are set forth in the PAA Regulations (9.3) above. The application shall be accompanied by a formal site plan and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the PAA.

10.3 Filing. An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the

PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

10.4 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Community Development Department, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Administering Agency, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

10.5 Design Review Board Report. The Applicant shall submit site plans for all buildings, landscaping, and structures to the Design Review Board, which shall submit a report to the Planning Board for consideration during its public hearing on the Project application and site plan review. The Design Review Board shall include in its report a determination regarding the extent to which the Project meets any or all of the Design Standards adopted by the PAA.

The Design Review Board report shall be provided to the Planning Board which reviews the Project and site plan and ascertains whether the submitted plans substantially meet the Design Standards adopted by the PAA.

10.6 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

10.7 Peer Review. The applicant of a SGO District project shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

11. PLAN APPROVAL DECISIONS

11.1 Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. the applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project as described in the application meets all of the requirements and standards set forth in this Section and the PAA Regulations, or a waiver has

- been granted therefrom; and
3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For all Projects, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of Section 6.0 have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

11.2 Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. the applicant has not submitted the required fees and information as set forth in the Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

11.3 Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive the dimensional requirements of Section 7.0 and any Design Standards in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGO District, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section. The PAA is not obligated to render such waivers if it deems the project does not provide sufficient reason or benefit to the community.

11.4 Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

11.5 Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application

bearing such certification shall be recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

11.6 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

12. CHANGE IN PLANS AFTER APPROVAL BY PAA

12.1 Minor Change. After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

12.2 Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 9.0 - through 13.0.

13. DESIGN STANDARDS

13.1 Adoption of Design Standards. Any Project undergoing the Plan Approval process shall be subject to Design Standards adopted by the PAA as part of the PAA Regulations, in accordance with this Section 13.0.

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13.2 Purpose. The Design Standards shall ensure that the physical character of Projects within the SGO District:

- 1) will be complementary to nearby buildings and structures;
- 2) will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the Town of Natick; and
- 3) will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features including open space found in densely settled areas of the Town or in the region of the Town.

13.3 Contents. In order to achieve goal (3) above, the Design Standards may address some or all of the following factors:

- a) the scale, proportions, and exterior appearance of buildings;
- b) the placement, alignment, width, and grade of streets and sidewalks;
- c) the type and location of infrastructure;
- d) the location of building and garage entrances;
- e) off-street parking;
- f) the protection of significant natural site features;
- g) the location and design of on-site open spaces and their relationship with abutting open spaces and trails;
- h) landscaping;
- i) exterior signs; and
- j) buffering in relation to adjacent properties.

14. SEVERABILITY.

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town's Zoning Bylaw.

Or otherwise act thereon.

**ARTICLE 3
(Planning Board)
Establish 40R Smart Growth Overlay District
Natick Paperboard Site**

To see if the Town will vote to amend its Zoning By-Laws, Section II, Item 11-B, Subsection 1, entitled "Location of Districts (Zones)" by changing the zoning classification of those areas which are located in the "Northwest Quadrant" of the Zoning Map of the Town of Natick, Massachusetts, described as Lots 111A, 113A and 113B on Map 35 of the Town of Natick Index Map. Said areas being presently zoned Industrial I are to remain zoned Industrial I but are also to be zoned in the Smart Growth Overlay District (SGO).

The perimeter of the area to be zoned Smart Growth Overlay (SGO) is described as follows:
Beginning at a point on the most northwesterly corner of the parcel herein described at Washington Street at Parcel 1, thence running;

Parcel 3

Beginning at a point on the most northwesterly corner of the parcel herein described at North Main Street at Parcel 1, thence running;

- S 82 27 30 E 50.00 feet to a point, said course being by of North Main Street, thence turning and running;
- S 07 10 55 W 126.51 feet to a point, thence turning and running;
- S 82 49 05 E 197.65 feet to a point, said last two courses being by Parcel 2, thence turning and running;
- S 00 22 37 W 80.33 feet to a point, thence turning and running;
- S 79 44 43 E 49.60 feet to a point, said last two courses being by land now or formerly of Nicholas and Jean Mabardy Trustees, thence turning and running;
- S 27 52 04 E 258.00 feet to a point, thence turning and running;
- S 04 25 17 W 182.78 feet to a point, said last two courses being by land now or formerly of The Natick Mills Corporation, thence turning and running;
- S 02 57 04 W 25.13 feet to a point, said course being by Bigelow Avenue, thence turning and running;
- S 04 32 04 W 71.66 feet to a point, said last course being by land now or formerly of Fifty Eight North Main Street Realty Trust, thence turning and running;
- N 84 37 23 W 99.57 feet to a point, thence turning and running;
- N 59 35 18 W 57.73 feet to a point, thence turning and running;
- N 01 01 52 E 14.60 feet to a point, thence turning and running;
- N 55 37 43 W 59.02 feet to a point, thence turning and running;
- N 48 29 53 W 194.38 feet to a point, thence turning and running;
- N 30 29 53 W 508.11 feet to a point, said last six courses being by land now or formerly of C.S.X. Corporation, thence turning and running;
- S 82 49 05 E 208.92 feet to a point, thence turning and running;
- N 07 10 55 E 126.82 feet to the point of beginning, said last two courses being by Parcel 1.

Or otherwise act thereon.

ARTICLE 4
(Planning Board)
Establish AP District – Natick Paperboard Site

To see if the Town will vote to amend its Zoning By-Laws, Section II, Item 11-B, Subsection 1, entitled “Location of Districts (Zones)” by changing the zoning classification of those areas which are located in the “Northwest Quadrant” of the Zoning Map of the Town of Natick, Massachusetts, described as a portion of Lot 111A on Map 35 of the Town of Natick Index Map. Said areas being presently zoned Industrial I are to be zoned Administrative & Professional (AP).

The perimeter of the areas to be zoned Administrative & Professional (AP) are described as follows:

Parcel 1

Beginning at a point on the most northwesterly corner of the parcel herein described at Washington Street at land now or formerly of C.S.X. Corporation, thence running;

- N 63 17 07 E 45.06 feet to a point, said course being by of Washington Street, thence turning and running;
- S 63 39 30 E 34.91 feet to a point, thence turning and running;
- S 76 44 30 E 95.00 feet to a point, thence turning and running;
- S 83 34 30 E 137.80 feet to a point, said last three courses being by North Main Street, thence turning and running;
- S 07 10 55 W 126.82 feet to a point, thence turning and running;
- N 82 49 05 W 208.92 feet to a point, said last two courses being by Parcel 3, thence turning and running;
- N 30 29 53 W 153.35 feet to the point of beginning, said course being by land now or formerly of C.S.X. Corporation.

Parcel 2

Beginning at a point on the most northeasterly corner of the parcel herein described at North Main Street at land now or formerly of Nicholas and Jean Mabardy Trustees thence running;

- S 00 22 37 W 125.89 feet to a point, said course being by land now or formerly of Nicholas and Jean Mabardy Trustees, thence turning and running;

N 82 49 05 W	197.65 feet to a point, thence turning and running;
N 07 10 55 E	126.51 feet to a point, said last two courses being by Parcel 3 thence turning and running;
S 82 27 30 E	167.67 feet to a point of curvature, thence turning and running;
Easterly	By a curve to the right having a length of 15.08 feet and a radius of 316.97 feet to the point of beginning, said last two courses being by North Main Street.

ARTICLE 5
(Planning Board)
Amend Cluster Development in AP District

To see if the Town will vote to amend the Zoning By-Laws by adding a new sentence at the end of Section III-4.F.2 Applicability – AP Districts as follows:

“The Planning Board, acting as the SPGA, may grant Site Plan Approval for a cluster development with an application abutting SGO district provided that such application is made in conjunction with SGO district.”

Or otherwise act thereon.

ARTICLE 6
(Town Administrator)
Cochituate Rail Trail – Preliminary Services

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money to fund preliminary services related to the possible development of the Cochituate Rail Trail, such services to include but not be limited to appraisal services, title research, surveying, legal research, environmental investigations or take other action relative thereto.