

Amendments shown with ~~struck through~~ text are to be removed and underlined text is to be added, such ~~struck through~~ and underlines will be removed prior to publication in Zoning Bylaw upon approval.

***I. Amend the Natick Zoning Bylaw by amending Section 200 Definitions relative to the deletion of existing § III-F Cluster Development Allowed in Certain Districts and § III-F.1 Single-Family Residential Cluster Option – RSA, RSB, and RSC, and the addition of a new § III-F Open Space Residential Development (OSRD) Bylaw, as follows***

- **Agricultural Preservation Restriction (APR)**: A restriction and agreement in perpetuity with owners of an Open Space Residential Development (OSRD), in accordance with M.G.L. c. 184, § 31. An APR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Agricultural Resources, a town conservation commission and/or a land trust. Owners of an OSRD may voluntarily enter into these agreements by selling the APR for a negotiated price based on the appraised value of the restriction.
- **Conservation Restriction (CR)**: A restriction and agreement in perpetuity for the protection of open space, in accordance with M.G.L. c. 184, § 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Natick Conservation Commission and/or a land trust.
- **Natick 2030+**: The Town of Natick Master Plan, dated February 2019
- **Open Space Residential Development (OSRD)**: as defined by MGL, c. 40A, Section 1A
- **Cottage, Small Single Family**: A single family dwelling in a building containing one (1) dwelling unit with explicit limitations on first floor area and gross floor area. (Art. 11, Fall T.M. 10/20/20)
- **Development Area**: Land in Single Family Residential Cluster (SRC) developments that includes rights-of way for roads, lots for single family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III – F.1.3(d). (Art. 11, Fall T.M. 10/20/20)
- **Preserved Open Space**: All land not designated for dwellings or accessory structures nor included in a building lot within a Single Family – Town House or other Cluster Development.\*
- **Preserved Open Space**: Land in Single Family Residential Cluster (SRC) developments reserved as protected open space, that does not include rights of way for roads, lots for single family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III – F.1.3(d). (Art. 11, Fall T.M. 10/20/20)

***II. Amend the Natick Zoning Bylaw by deleting § II-A.2(a) Residential Cluster Regulation Schedule in its entirety.***

Please see end of document for Table; III-A.2(a) Residential Cluster Regulations Schedule

**III. Amend the Natick Zoning Bylaw by deleting § III-F Cluster Development Allowed in Certain Districts, as follows**

**III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS**

**AFFORDABILITY**—Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall be subject to and consistent with the provisions of Section V-J of this by-law.: (Art. 32, Fall TM 10/16/18)

1. ~~All Affordable Housing Units to be sold shall be provided for sale through the Natick Housing Corporation or any similar organization, as determined by the Planning Board.~~
2. ~~Affordability Standards—Subject to Planning Board approval, an applicant for a special permit may utilize any available State or Federal assistance program to meet the Affordable Housing Unit requirements as defined in 760 CMR 56 and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for individuals that are generally consistent with available Affordable Housing assistance programs.~~
3. ~~Affordability Restrictions—Affordable Housing Units shall be maintained in perpetuity. Each Affordable Housing Unit shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the use and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force in perpetuity and shall be enforceable by the Town of Natick through standard procedures provided by applicable law.~~
  - i. ~~The Planning Board may require that the restrictions for Affordable Housing Units contain a right of first refusal to the Town of Natick or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Planning Board or its designee prior to selling or reselling an Affordable Housing Unit with such reasonable time as the Planning Board may determine, in its discretion for the town or its designee, is necessary to exercise the right of first refusal.~~
  - ii. ~~Nothing in this Section shall be construed to cause the eviction of an owner or tenant of an Affordable Housing Unit due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an Affordable Housing Unit shall be enforced upon resale, re-rental, or re-lease of the Affordable Housing Unit. The mechanisms and remedies to enforce the restrictions governing an Affordable Housing Unit upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.~~
  - iii. ~~All contractual agreements with the Town of Natick and other documents necessary to insure the long-term affordability of an Affordable Housing Unit shall be executed prior to the issuance of any building permit under this option.~~
4. ~~The exterior of Affordable Housing Units shall be compatible with, and as much as possible indistinguishable from, market-rate dwelling units in the development.~~
5. ~~Local Preference—Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Housing Units shall be initially offered to residents and/or employees of the Town of Natick.~~
  - i. ~~Residency and employment in Natick shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence approved by the Town Clerk.~~

- ii. Purchaser/tenant selection—Procedures for the selection of purchasers and/or tenants shall be subject to regulations adopted by the Planning Board.
  - iii. These restrictions shall be in force for one hundred and twenty (120) days from the date of the first offering of sale or rental of a particular Affordable Housing Unit.
- (Art. 52 F.T.M 10/17/17)

**IV. Amend the Natick Zoning Bylaw by deleting § III-F.1 Single-Family Residential Cluster Option – RSA, RSB, and RSC, as follows**

**III F.1 SINGLE FAMILY RESIDENTIAL CLUSTER OPTION – RSA, RSB & RSC DISTRICTS**

**1. PURPOSE AND INTENT:**

~~Single Family Residential Cluster (SRC) is a development option designed to help the Town maximize available land for open space and diversify Natick’s housing stock with a variety of dwellings, including accessible or age-qualified units. Residential cluster development also helps preserve Natick’s local character, minimizes the amount of impervious surfaces on residential lots, improves neighborhood connectivity and advances the goals and policies of Natick’s Comprehensive Master Plan and its Open Space and Recreation Plan.~~

~~Clustering fosters a more economical and efficient use of residential land than may be accomplished through standard subdivision development by utilizing Open Space Residential Design (OSRD) and Low Impact Design (LID) principles encouraged by the Massachusetts Executive Office of Environmental Affairs (EOEA) to protect the existing character of the landscape and preserve more public open space for water supply, wetland, and other natural habitat, conservation, and recreation. In addition, cluster development reduces the typical costs of providing municipal services to residential developments. SRC development is an optional alternative in the Residential Single (RSA, RSB or RSC) zoning districts.~~

**2. APPLICABILITY**

~~The Special Permit Granting Authority (SPGA), as hereinafter provided, may grant Special Permits for SRC in accordance with Section VI-DD and VI-EE of these by-laws and subdivision approval in accordance with the subdivision rules and regulations, and other rules and regulations as adopted pursuant to Section III-F.1.4(c) herein, for the construction and occupancy of a SRC located in RS-A, RS-B or RS-C zoning districts, provided that the gross land area of the development parcel is at least two (2.0) or more acres (87,120 square feet).~~

~~The applicant must either own or submit authorization in writing to act for all the owners to the lots comprising the parcel prior to submitting a formal application.~~

**3. PERMITTED AND ALLOWED USES**

~~The SPGA may grant Special Permits pursuant to the provisions of the By-Law and M.G.L. Chapter 40A for the following uses:~~

- a. ~~Single-family dwellings provided that the total number of such dwellings does not exceed the total number of units permitted for the entire SRC pursuant Section III-F.1.7 herein and which meet the dimensional requirements of single family lots as stated in Section III-F.1.9(a) herein.~~
- b. ~~Small single-family cottages (SFC) pursuant Section III-F.1.7 and which meet the dimensional requirements of cottage lots as stated in Section III-F.1.9(c) herein.~~

- c. Town houses provided that the total number of such dwellings does not exceed the total number of units permitted for the entire SRC pursuant Section III - F.1.7 and which meet the dimensional requirements of town home lots as stated in Section III - F.1.9(b) herein.
- d. Indoor & outdoor tennis courts, swimming pools and other non-commercial active recreational facilities with use restricted to residents of the SRC, including accessory structures necessary for appropriate non-commercial use and operation of such recreational facilities.
- e. Open space, accessible to the public, subject to Section III - F.1.14.
- f. The SPGA may adopt regulations further controlling the relative percentage mix of single-family dwellings, single-family cottages, town houses, and age-qualified housing units.

#### 4. PROCEDURES:

The procedures for obtaining Special Permit for SRC are:

- a. Pre-Application: To promote better communication, reduce pre-development costs and increase efficiency, the applicant shall request a SRC Pre-Application Review with the Community and Economic Development Department and staff of the Conservation Commission, Board of Health, Department of Public Works and any other Department, Board and/or Committee with interest in the proposal to the pre-application review. At the SRC Pre-Application Review, the applicant may outline a proposal, seek preliminary feedback from town staff, and set a timetable for submittal of a formal application. At the request and expense of the applicant, the SPGA may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for Special Permit Approval of a SRC.

In order to facilitate review at the SRC Pre-Application stage, applicants must submit three (3) copies of the following information to the Community and Economic Development Department:

- i. Residential Conservation Analysis Map. This map illustrates the parcel in relation to its surrounding neighborhood and displays existing conditions on the property. It shall include the most recent color orthographic photo of the project area, land within 300 feet of the project area, and parcel lines, and be prepared and stamped by a registered professional engineer, landscape architect or professional land surveyor at the scale of 1" = 100' or of greater detail. The plan shall document the presence (if at all) of the following features: wetlands, riverfront areas, floodplains and steep slopes (slopes greater than 15%), mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, Natural Heritage and Endangered Species Program (NHESP) features, historic or cultural features (such as old structures, stone walls), unusual geologic formations, potential foot, bicycle, horse, ski, snowmobile or wildlife connections to adjacent or nearby undeveloped lands, and scenic views in to and out from the property. Overlaying this plan onto a development plan identifies areas where conservation priorities and desired development overlap and/or conflict. This map will delineate three areas for the SPGA's review:
  - 1. PRIMARY CONSERVATION AREAS: areas containing the proposed Preserved Open Space, where development will be prohibited, which shall be permanently protected and which shall, to the extent feasible, be contiguous and meet the conservation goals of Natick's Comprehensive Master and Open Space and Recreation Plans. Refer to Section 14 for more information;

2. ~~POTENTIALLY DEVELOPABLE AREA: areas containing the proposed Development Area, where structures, driveways, roadways, and other elements in the SRC development are proposed to be located. Refer to Section 6 for more information.~~
  - ii. ~~Conceptual Subdivision Plan. This plan shall display the layout of single-family house lots according to relevant dimensional regulations for the underlying Single Family Residential District in Section IV-B herein.~~
- b. ~~Formal Application: The applicant for a SRC shall submit to the SPGA a formal application for a Special Permit which includes a preliminary cluster subdivision plan and the Residential Conservation Analysis Map. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. The date of application shall be the date when filing is made with the Town Clerk. (Art. 28, Fall ATM, 10/19/21)~~
- c. ~~Conservation Analysis and Finding: The SPGA shall, in the course of its Special Permit review, study the Residential Conservation Analysis Map and shall make a Cluster Conservation Finding that shall be incorporated into its actions on the Special Permit. The SPGA may waive portions of the required submittal for a Residential Cluster Analysis when the SPGA first consults with the Conservation Commission and any other Committee and/or Board, and determines that the waived portion of the conservation analysis is not relevant and useful to decisions about a particular project area and would impose an undue hardship on the applicant and serve no benefit to the town.~~

In making its Cluster Conservation Finding, the SPGA shall:

  - i. ~~Notify the applicant forthwith if the information provided is incomplete or appears to be in error;~~
  - ii. ~~Provide a copy of the Conservation Analysis to the Conservation Commission and any other Committee and/or Board within 14 days of receipt;~~
  - iii. ~~Consult with the Conservation Commission any other Committee and/or Board, the most recently adopted Comprehensive Master Plan, and the most recently adopted Open Space and Recreation Plan; and~~
  - iv. ~~Identify which areas are most important to protect from development and which conservation values should be optimized in project design. The priority shall be to identify opportunities for protection of ecologically sensitive areas, contiguous unfragmented forestland, timber and forest management, wildlife habitat and habitat connectivity, hunting, fishing, gathering, agricultural activities, farmland, water supply areas, vistas, historic and pre-Columbian features, rural character features, trail links, and other unique attributes.~~
- d. ~~Further Procedures: The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A; M.G.L. Chapter 41, Section 81K et seq; and the Town of Natick By-laws. The SPGA may adopt Rules and Regulations for the proceedings under Section III-6.F, and in accordance with M.G.L. Chapter 41, Section 81A, and 81Q; and may waive strict compliance therewith, in accordance with M.G.L. Chapter 41, Section 81R.]~~

5. CRITERIA:

Approval of the application for a Special Permit and for subdivision approval to allow the construction of a SRC shall be granted only upon SPGA determination that the cluster plan is superior to a conventional subdivision plan.

- a. The following criteria shall be used to make the determination as to whether or not the plan is superior:

- i. The preservation of open space for conservation or passive recreation and other objectives, including appropriate public accessibility and connectivity to other open spaces, as delineated in the town's current Comprehensive Master and Open Space and Recreation Plans;
  - ii. The protection of significant, large and contiguous areas of natural features of the land which would avoid extensive topographic change necessitating vegetation and tree removal or earth removal;
  - iii. The protection of historical or other significant features;
  - iv. More efficient provision of street, utilities and other public services;
  - v. The provision of a diversity of dwelling unit styles, sizes, and architectural elements;
  - vi. Less sprawling and more efficient forms of residential development using Low Impact Development (LID) principles to conform to existing topography and natural features; and
  - vii. Reduced energy consumption and greenhouse gas emissions.
  - viii. The plan works to buffer adjoining properties from objectionable features such as highways or rail lines.
- b. Specific means of achieving plan superiority include:
- i. Avoidance of frequent driveway openings onto through streets, or near street intersections;
  - ii. Avoidance of extensive topographic change necessitating vegetation, earth and/or tree removal;
  - iii. Preservation of scenic views from public ways in conformance with the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - iv. Preservation of natural landscapes in large contiguous areas and corridors, which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems and providing an interconnection to adjoining open spaces for both wildlife and public access, in conformance with and to achieve the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - v. Accessibility of the Preserved Open Space to substantially all of the dwelling units and the public, in conformance with and to achieve the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - vi. Variations in lot sizes, building styles, building sizes and building arrangements; and
  - vii. Use of Preserved Open Space to protect significant natural environment such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and to avoid development on geologically unsuitable land.

**6. PRESERVED OPEN SPACE AREA:**

Single Family Residential Cluster (SRC) developments preserve publicly accessible open space in larger tracts of developable land, by setting aside a portion of the parcel area for Preserved Open Space, leaving a Development Area as set forth below:

- a) The Preserved Open Space Area shall comprise not less than FIFTY (50) PERCENT of the total land area of SRC on parcels measuring less than ten (10) acres for which there is a Final Special Permit and will not include rights of way for roads, lots for single family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III F.1.3(d).
- b) Preserved Open Space Area shall comprise not less than SIXTY (60) PERCENT of the total land area of SRC on parcels encompassing ten (10) or more acres for which there is a

Final Special Permit and will not include rights of way for roads, lots for single-family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III F.1.3(d).

7. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units (in full-size single-family homes or town houses) allowed in a SRC shall equal the "Net Usable Land Area" within the parcel divided by the Minimum Lot Area requirements for single-family homes in the host Single Residential zone, as determined by Section IV-B of these By-Laws. This number of dwelling units is multiplied by an Adjustment Factor determined by the average size of homes to be developed, as shown in the schedule below, then rounded up to the nearest whole number:

Average Dwelling Size (Gross Floor Area)	Adjustment Factor (Single-family houses/townhouses)
Less than 1,500 square feet	1.30 (130%)
1,500 – 2,000 square feet	1.10 (110%)
More than 2,000 square feet	1.0 (100%)

In all SRC, at least thirty percent (30%) of all dwelling units shall contain no more than 2,000 square feet of Gross Floor Area.

As used herein, "Net Usable Land Area": shall mean the total land area of the parcel minus wetlands or land within the 100-year flood elevation as shown on Town-wide Drainage study maps or as delineated by a qualified wetland scientist. Furthermore, if the Final Special Permit includes a recreational facility, all the land area dedicated to that facility will be deducted from the "net usable land area" for the purpose of calculating the maximum number of dwelling units.

Example #1: An applicant proposes to develop a subdivision of single-family homes (averaging 1,900 square feet in Gross Floor Area) on a five-acre (217,800 square feet) lot in an RSA zone with no wetlands or 100-year floodplains. In this case:

1. The development site has a Gross Land Area of 5 acres (217,800 sf); with no wetlands or 100-Year Flood Plains. The Net Development Area of the site = Gross Land Area (5 acres) – Wetland/Flood Plain Area (0 sf) = 5 acres (217,800 sf).
2. With a minimum lot size in RSA zones is 15,000 sf, per Section IV-A, this site can accommodate a maximum number of single-family homes in an SRC of: 5 acres (217,800 sf) Site Area / 15,000 sf Min. Lot Size = 14.52 single-family homes.
3. The 1,900 sf average dwelling size allows the total number of dwellings to be increased by 10%: 14.52 homes x 1.10 = 15.97, or 16 single-family homes.
4. 30% of these 16 single-family homes must be smaller than 2,000 sf: 16 units x 30% = 4.8 or 5 homes must be sized less than 2,000 sf.
5. Alternatively, the applicant could develop two (2) small single-family cottages (SFC) for each single-family home allowed on the site, up to a maximum of: 16 single-family homes x 2 = 32 single-family cottages.

(Art. 28, Fall ATM, 10/19/21)

8. COTTAGE DWELLINGS

Single-Family Cottages (SFC) may be substituted for each full-size single-family home or town house allowed in an SRC, in compliance with the Intensity Regulations of Part C of Section III-F.1.9, according to the following schedule:

RSA & RSC districts: Two (2) single-family cottages (SFC) in lieu of one (1) full-size single-family house / townhouse

RSB district: Three (3) single family cottages (SFC) in lieu of one (1) full size single family house/ townhouse

Single Family Cottage dwellings can be located in detached structures, attached town houses or attached zero lot line structures that comply with the provisions of Section III F.1.9.

**9. INTENSITY REGULATIONS**

**A. Single family dwellings in SRC shall be on lots having the following requirements:**

Minimum lot area*	RS A: 33% of base zone	RS B: 30% of base zone	RS C: 30% of base zone
Lot frontage*	60 % of base RS zone		
Minimum depth*	60 % of base RS zone		
Minimum setback, front*	60 % of base RS zone		
Minimum side yard setback	60 % of base RS zone		
Minimum rear yard setback*	60 % of base RS zone		
Maximum building coverage*	RS A: 120% of base zone	RS B: 125% of base zone	RS C: 150% of base zone
Maximum building height*	2 ½ stories or 35 feet		

\*Subject to waiver provisions of Section III F.1.10(d)

**B. Town House structures in SRC shall be on Town House lots having the following requirements: (sf=square feet)**

Minimum lot area*	2,500 sf per town house dwelling unit		
Minimum Frontage*	RSA: 66% of base zone	RSB: 6 % of base zone	RSC: 60% of base zone
Dwellings per structure	No more than four (4) dwellings per town house		
Minimum setback, all sides *	RSA zone: 15 feet	RSB zone: 20 feet	RSC zone: 15 feet
Maximum building coverage*	RSA zone: 35%	RSB zone: 30%	RSC zone: 35%
Maximum building height*	2 ½ stories or 35 feet		

\*Subject to waiver provisions of Section III F.1.10(d) #Excluding area for circulation and ingress/egress (hallways, stairs, etc.)  
(Art. 28, Fall ATM, 10/19/21)

- i. Town Houses shall be built on separate Town House lot(s), with each such Town House lot consisting of at least 2,500 square feet of land times the number of dwelling units to be built on that lot. Access to the lot shall be built from a right of way having at least forty (40) feet of width.
- ii. Two (2) Single Family Cottages (three (3) in RSB zones) may be substituted for each full-size Town House dwelling allowed on a Town House lot, as long as the meet the First Floor Area, Gross Floor Area and Building Height standards in Section III F.1.9(c).
- iii. Dwellings that would otherwise qualify as Town Houses on minimum sized lots and meet the intensity regulations of Section III F.1.9(b) for Town Houses may instead be divided into zero lot line single family homes provided that each lot resulting from the division of the lot has at least fifty (50) feet of frontage and meets the minimum lot area requirements of Section III F. 1.9(a) for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.

**C. Small single family cottage structures in SRC shall be on lots having the following requirements: (sf=square feet)**



<u>Minimum frontage*</u>	Per standards in III F.1.9.a for single-family SRC lots in RS zones		
<u>Minimum lot depth*</u>	Per standards in III F.1.9.a for single-family SRC lots in RS zones		
<u>Minimum setback*</u>	Per standards in III F.1.9.a for single-family SRC lots in RS zones		
<u>Minimum space between building*</u>	RS A zone: 10 feet	RS B zone: 10 feet	RS C zone: 10 feet
<u>Minimum cottage First Floor Area</u>	RS A: 500 sf	RS B zone: 500 feet	RS C zone: 500 feet
<u>Maximum cottage Gross Floor Area #</u>	RS A: 800 sf	RS B zone: 1,000 feet	RS C zone: 900 feet
<u>Maximum cottage building height*</u>	2 stories or 25 feet		

\* Subject to waiver provisions of Section III F.1.10(d) # Excluding area for circulation and ingress/egress (hallway, stairs, etc.)

**10. EXCEPTIONS TO THE OTHERWISE APPLICABLE INTENSITY REGULATIONS**

- a) No building or parking shall be located within twenty five (25) feet of the boundaries of the development parcel, notwithstanding the intensity regulations of underlying zoning districts as provided in Section IV B.
- b) No construction shall take place within the one hundred (100) year flood elevation line except in conformity with the requirements of M.G.L. Chapter 131, Section 40, 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.
- c) Indoor and outdoor recreational facilities intended for use by SRC residents of more than one dwelling unit shall be located on a separate lot containing no dwelling units.
- d) The minimum dimensional requirements as delineated in Section III F.1.9 may be reduced or increased up to a maximum of up to 10%, never to be exceeded on a cumulative basis, if in the opinion of the SPGA that a waiver would improve the layout of the overall plan and will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located.

**11. COTTAGE DEVELOPMENT ALTERATION RESTRICTIONS**

Structures containing cottage dwellings in a SRC shall be subject to an alteration restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The alteration restriction shall prohibit any and all construction activity that:

- a) Expands any dwelling in an SRC so that less than seven (7) feet of horizontal distance exists between any and all dwellings in the SRC;
- b) Increases (cumulatively) the gross floor area of any structure containing one or more cottage dwellings in an SRC by more than 5% of the original floor area allowed in the SRC Special Permit Approval; except for special exceptions authorized by the SPGA and defined/specified in the SRC Special Permit Approval.

The alteration restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwellings in an SRC.

**12. AFFORDABILITY**

SRC with more than two (2) net new dwellings (in single-family houses, town houses or single-family cottages) shall comply with the affordability provisions of Section V J Density Bonuses and Fee-In-Lieu contributions required by Sections V J.4 and V J.7 for SRC shall be calculated

based on a number of affordable units derived from the final number of SRC dwellings calculated in Section III F.1.7, inclusive of all adjustment factors for average dwelling size. Fees for small single-family cottage units shall be 50% of the per-unit figure calculated under the standard outlined in Section V J.7.

Example #2: An applicant proposes to develop an SRC of three and four bedroom single-family homes with (averaging 1,900 square feet in Gross Floor Area) on five acres in an RSA zone. Under the Adjustment Factors of Section III 1.F.7 seventeen (17) homes can be built in total. In this case:

1. Under Section V J.4, the SRC is required to make 15% of the dwellings affordable:  $17 \text{ dwellings} \times 15\% = 2.55 \text{ units}$ , rounded to 3 (three) affordable units.
2. Because the SRC is a Permitted Use in the RSA zone, the three (3) affordable units calculated in Line 1 yield bonus dwellings to the development under the provisions of Section V J.4.b:  $3 \text{ affordable units} \times 2 = 6 \text{ (six) bonus unregulated dwellings}$ .
3. The final size of the SRC development is the total of Lines 1 & 2:  $17 \text{ dwellings} + 6 \text{ bonus dwellings} = 23 \text{ dwellings}$ , three of which are considered affordable.
4. Fee in Lieu payments required under Section V.J 4 are based on the three (3) affordable dwellings calculated in Line 1.

### 13. BUILDING DESIGN CRITERIA

All buildings and structures shall be designed, located and constructed to afford the following:

- a) Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation.
  - i. Dwelling units not abutting or oriented towards a right-of-way shall have a front yard oriented towards the Communal space.
  - ii. No detached accessory buildings shall be allowed except as structures that serve multiple dwellings such as storage sheds, garages, utility structures, or common, non-commercial recreation facilities permitted in Section III.7.F.3.
  - iii. Cottage housing units shall have a covered porch over the primary entrance with a minimum dimension of six (6) feet on any side.
  - iv. Cottage housing units shall have the covered porches of the main entry oriented to the Communal space or the public street right of way as applicable.
  - v. All fences interior to the development shall be no more than forty-eight (48) inches in height and shall be made of natural materials, except along development perimeter.
  - vi. Dwelling units shall be constructed in compliance with LEED Residential or Passive House in North America standards.

### 14. PRESERVED OPEN SPACE

SRC developments create an environment where large tracts of contiguous land are preserved for publicly accessible open space.

- a) Preserved Open Space must include at least twenty percent (20%) of the frontage on the roads servicing the SRC. A portion of the Preserved Open Space may be used as a Common surrounded by a one-way road, in which event all of the road abutting such Common will be counted as frontage for the purpose of fulfilling the foregoing requirement.

- b) ~~At least fifty percent (50%) of the Preserved Open Space shall not be primary zone wetlands or land within the 100-year flood elevation either as shown on the Town-wide Drainage study maps or as delineated by a qualified wetland scientist.~~
- c) ~~Open space used as Commons shall be designed for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, or gardens. Common open space shall include amenities such as seating, landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, or ornamental water features. Stormwater management facilities shall not be located in open space used for a Common area.~~
- d) ~~If an SRC includes one or more Commons in Preserved Open Space, dwelling units in the SRC shall be located to face each other across the Common(s).~~
- e) ~~All dwelling units shall have dedicated access ways to all Commons located in Preserved Open Space.~~
- f) ~~Any land which is currently protected—such as through an existing conservation or agricultural restriction (CR or APR), enrollment in the Chapter 61 program (Chapter 61, Chapter 61A, Chapter 61B), designated as Article 97 lands, or through other deed restriction—may not be included in the Preserved Open Space.~~
- g) ~~At least fifty percent (50%) of the dwelling units in an SRC shall abut or be within three hundred (300) feet of the Preserved Open Space and all dwelling units shall have access via a public way or easement to such Preserved Open Space.~~
- h) ~~Preserved Open Space shall include trails for public access and to increase connectivity. The Special Permit authorizing the SRC shall further provide that the Preserved Open Space shall be:
 
  1. ~~Placed under a conservation restriction pursuant to M.G.L. Chapter 184, as amended, held either by the Town of Natick or a non-profit entity, the principal purpose of which is the conservation of open space;~~~~

15. PARKING

~~SRC create environments where large tracts of contiguous land are preserved for publicly accessible open space.~~

- a) ~~A minimum of two (2) parking spaces per single-family home or town home shall be provided, and a minimum of one and one half (1&1/2) parking spaces per single-family cottage shall be provided in SRC cluster developments. Parking spaces located within garages and driveways may count towards this requirement.~~
- b) ~~Parking for individual dwelling units may be combined into an individual facility or into parking clusters in order to facilitate housing clusters that are oriented to common open space areas.~~
- c) ~~Garages and carports shall not be located beyond building lines of dwelling units in which they are located, and may not occupy more than 50% of any façade in any dwelling unit in which they are located.~~
- d) ~~Surface parking facilities shall contain no more than sixteen (16) parking spaces and shall comply with the screening requirements of Section V-D.15.~~

~~(Art. 11, Fall T.M. 10/20/20)~~

**V. Amend the Natick Zoning Bylaw by adding a new § III-F Open Space Residential Development (OSRD), as follows**

III-F OPEN SPACE RESIDENTIAL DEVELOPMENT

1. Purpose  
Open Space Residential Development (OSRD) is an alternative design option for the construction of residential neighborhoods that preserve open space, protect natural resources, diversify Natick’s housing stock, and enhance its aesthetic character. Further, the OSRD advances the goals and policies of Natick’s Comprehensive Plan (Natick 2030+) and the Open Space and Recreation Plan.
2. Applicability
  - a. OSRDs shall be allowed by special permit with site plan review granted by the SPGA;
  - b. All of the land must be in an RSA, RSB, or RSC Zoning District;
  - c. Land may be a single parcel or contiguous parcels in one ownership throughout or consolidated under a Purchase and Sale Agreement having a total gross land area equal to:
    - 4 acres or more in the RSA district and RSC district
    - 5 acres or more in the RSB district
3. Structure Types and Lot Design
  - a. Applicants are encouraged to include a mixture of building types, sizes, and styles within an OSRD to diversify the housing stock within Natick. Such a mixture may include Single-Family Dwellings, Two-Family Dwellings, Town Houses, and cottages and may be incorporated within the OSRD Special Permit.
  - b. Residential units may range in size, but no more than 25 percent of units shall exceed 1,800 square feet.
  - c. Units may be placed on a common lot or on individual lots.
4. Determination of Residential Units
  - a. The unit density of an OSRD shall be determined based on a calculation derived from a land survey prepared and stamped by a professional land surveyor or engineer licensed in the Commonwealth of Massachusetts, which will be referred to herein as a Plan of Land.
  - b. The Plan of Land shall show the existing conditions of the entire parcel of the proposed OSRD, including property boundaries; site topography at 2-foot contour intervals; physical features such as buildings, stone walls, historic features, and trees over 8 inch caliper; the locations and widths of any existing curb cuts; areas of travel such as driveways, parking areas, sidewalks, and paths; delineated wetland resource areas and vernal pools and associated buffer zones; and any easements or recorded restrictions.
  - c. Accompanying the Plan of Land shall be a table prepared by and stamped by a professional land surveyor or engineer licensed in the Commonwealth of Massachusetts, that shows in square feet: total land area, delineated Wetland Resource Areas [except Riverfront Area], total flood plain area defined by the Federal Emergency Management Agency (FEMA) as Zone A or AE, vernal pool area with associated buffer, Non-Buildable Easement areas, Recorded Restriction areas, and priority habitat area of rare and endangered species.
  - d. The calculation for the number of units is as follows:
    - Step 1: Total Land Area less the following:

- Delineated Wetland Resource Areas [except Riverfront Area] and all areas defined by FEMA as Zone A or AE (1 percent Annual Chance of Flooding with or without Base Flood Elevation (BFE))
- Vernal Pool Area with associated buffer zone as defined by the Natick Wetlands Protection Bylaw, including on-site buffer zone associated with Vernal Pool Area that may be located on adjacent off-site parcels.
- Non-Buildable Easement Area
- Recorded Restriction Area
- Priority or Estimated Habitat Area of Rare or Endangered Species
- Foot prints of structures that will remain as part of the OSRD

The resulting net area will be considered the **Preliminary Area**.

Step 2: Preliminary Area less 15 percent for roads and infrastructure shall be considered the **Developable Area**.

Step 3: The Developable Area divided by 50 percent of the Minimum Lot area of the underlying zoning district shall yield the maximum **Number of Units** that can be proposed for an OSRD.

#### 5. Permitting Procedure

OSRDs will be reviewed under a two-part review process.

##### a. Conservation Commission

The Applicant shall seek an Order of Resource Area Delineation from the Conservation Commission for the entire parcel of the proposed OSRD or shall submit a statement prepared and signed by a registered professional engineer or wetland scientist stating that no such resources areas exist on the parcel. If required, the applicant shall also seek a Stormwater Management Permit from the Conservation Commission.

##### b. Planning Board

The Planning Board shall review an OSRD project in accordance with the provisions of Section VI-DD of this By-Law (Special Permit Procedures and Site Plan Review). The Planning Board shall adopt additional application requirements, review and approval procedures, and design guidelines to effectuate the implementation of this section of the By-Law.

#### 6. Dimensional Regulations

- a. Individual lots within an OSRD shall be a minimum of 5,000 square feet in area.
- b. Proposed structures, driveways, and roadways shall be located a minimum of 15 feet from the OSRD Project property line.
- c. Structures shall not exceed 35 in height.
- d. Structures shall be set back a minimum of 15 feet from a street or sidewalk.
- e. Buildings on a common lot shall have a minimum separation of 15 feet
- f. Each dwelling unit on a common lot shall have exclusive access to an outdoor area of at least 500 square feet, which area can be a yard, patio, deck, or combination thereof.
- g. An adjoining wall of an attached dwelling or adjacent dwelling units may coincide with an internal lot line (so-called "zero lot line"). Where such design is utilized, the lot area of such lots may be 25 percent of the area allowed in the respective zoning district with the remainder of the space as open space or common area, however, such lot area

allowance shall not alter or affect the calculation of the number of allowable units within the proposed OSRD.

7. Off-Street Parking
  - a. A minimum of one exterior parking space per residential unit shall be provided.
  - b. A minimum of one parking space per every three dwelling units shall be provided for visitor parking.
8. Open Space and Preservation
  - a. Preserved Open Space

A minimum of 35 percent of the Preliminary Area shall be set aside as restricted open space with 75 percent of such area being contiguous upland area. Such area shall be permanently protected, and to the extent feasible, meet the conservation goals of Natick 2030+ and the Town's Open Space and Recreation Plan, as amended.
  - b. Common Open Space

In addition to the Preserved Open Space, at least 15 percent of the Preliminary Area shall be set aside as Common Open Space for use by the residents of the OSRD Project.
  - c. Preservation Requirements

Each OSRD Project is expected to preserve and maintain natural features, native trees over 8 inches in diameter, habitat areas, and sloped areas. Where possible, development should be sited to preserve and maintain mature native trees and the critical root zone.
  - d. Agricultural Preservation Restriction (APR) and Conservation Restriction (CR)

The entire Preserved Open Space area shall be placed under a Conservation Restriction or Agricultural Preservation Restriction in perpetuity prior to the issuance of the first building permit at the expense of the Applicant, held by the Town of Natick or a qualified non-profit land trust. While the Common Open Space shall remain under the jurisdiction of the Homeowners Association or Trust, which no residential units shall be constructed upon. Priority shall be given to the qualified non-profit or the Town of Natick where preserved open space placed under the Conservation Restriction will be contiguous with open space parcels held by that entity.
9. Inclusionary Housing

An OSRD shall comply with Section V-J.2 and 4 (Inclusionary Affordable Housing Requirements), herein.
10. Waivers

The Planning Board may waive strict compliance with the provisions of this Section III -F, by a four-fifths vote if it is found that the granting of such a waiver will benefit the neighborhood in which the OSRD is located; result in the preservation or enhancement of the natural environment; or yield a superior design in terms of location of building sites, alignment of roadways and driveways, layout and location of parking, pedestrian and bicycle access and circulation, location of open space and recreational facilities, and other related and similar considerations.

**VI. *Amend the Natick Zoning Bylaw by deleting Town House Cluster Development – RSA, Single Family Town House Cluster Development – RSB, and Single Family Town House Cluster***

***Development – RSC from § VI-DD.2.A.a.1, and adding a new line Open Space Residential Development (OSRD) , as follows***

2. A. Special Permits

- a. Special Permit Granting Authority. As designated in this By-Law, the Board of Appeals or the Planning Board shall act as the Special Permit Granting Authority (SPGA) for hearing and deciding all matters pertaining to Special Permits and for issuance of such Special Permits. The specific assignments are listed below.
  1. The Planning Board shall act as the SPGA in the following Districts:
    - Highway Mixed Use - I
    - Highway Mixed Use II
    - Highway Mixed Use III
    - Highway Planned Use
    - Open Space Residential Development (OSRD)
    - ~~Town House Cluster Development –RSA~~
    - ~~Single Family Town House Cluster Development –RSB~~
    - ~~Single Family Town House Cluster Development –RSC~~

***VII. Amend the Natick Zoning Bylaw by deleting Town House Cluster Development – RSA, Single Family Town House Cluster Development – RSB, and Single Family Town House Cluster Development – RSC from § VI-DD.2.B.A), and adding a new line Open Space Residential Development (OSRD) , as follows***

2.B Site Plan Review Applicability and SPGA Designation

- a) All uses, other than Uses Nos. 1, 3, 5, 8, 9, 17, 18, 46, 47 and 48, permitted or allowed in the following Zoning districts, shall be subject to the Site Plan Review Procedure described herein, to be administered by the Planning Board, acting as the SPGA:
  - Highway Mixed Use - I
  - Highway Mixed Use - II
  - Highway Mixed Use - III
  - Highway Planned Use
  - ~~Town House Cluster Development –RSA~~
  - ~~Single Family Town House Cluster Development –RSB~~
  - ~~Single Family Town House Cluster Development –RSC~~