

III-A.6 AFFORDABLE HOUSING

The following procedure is available in order to carry out the purposes of the inclusionary housing option program as described in Section 108 of these bylaws.

A- INCLUSIONARY HOUSING OPTION PROGRAM (IHOP)

The provisions of this section shall apply to all developments of parcels creating ten (10) or more new residential dwelling units. Tracts of land may be developed under the provisions of the existing underlying zoning, or an applicant who owns the parcel, or who has the right to develop it, may elect to proceed under the bonus provisions described hereinafter.

1- Applicants who meet the foregoing requirements may apply to the Planning Board for a special permit that will permit them to receive additional units and relaxation of frontage requirements in exchange for the provision of affordable housing units. The Planning Board shall act as an SPGA and any plan shall meet the requirements of the Site Plan Review provisions of this Bylaw. If a subdivision is involved a definitive subdivision plan shall be submitted to the Planning Board in addition to the submission required under the Site Plan Review procedures. The Natick Housing Partnership or any successor organization having similar interests shall be included in the agencies receiving the distribution of copies of plans for comment.

2- The number of additional dwelling units permitted under the IHOP procedure may not exceed 20% of that otherwise permitted under the underlying zoning, as demonstrated by a plan submitted to the Planning Board. In determining the size of the bonus to be granted the Planning Board may consider a number of factors, including the cost of the land, the cost of development including the cost of construction of the units and infrastructure, and the proposed market price of the units to be built. In addition to any other waiver permitted under the subdivision control law and the Rules and Regulations of the Planning Board, requirements for area and/or frontage may be reduced as follows: area may be reduced up to 15% of the minimum intensity requirements of the underlying zone; frontage may be reduced up to 20% of the minimum required in the underlying zone.

3- Provided that additional units are granted by the Planning Board under the foregoing provision then Affordable Housing Units shall be provided in any one of the following alternatives, subject to approval of the Planning Board:

- A) By Donation to the Natick Housing AuthorityA minimum of 10%*
- B) By Sale to the Natick Housing AuthorityA minimum of 10%*

- C) By sale directly to Income Eligible Households..... A minimum of 10%
- D) By cash payment to be used for Affordable Housing..... **

Notes: * = % of total units in development, rounded up to the next whole number

** = Amount is determined by professional valuation methods as the equivalent value to the units which otherwise would have been provided within the development as Affordable Housing Units.

a) Units to be donated to the Natick Housing Authority are subject to the approval of the Natick Housing Authority, and of the applicable federal or state funding agency.

b) Units set aside for sale to the Natick Housing Authority shall be offered at prices which do not exceed the greater of:

(i) the construction costs of the particular units, or (ii) the current acquisition cost limits for the particular units under applicable state or federal financing programs. If the Natick Housing Authority is unable to purchase the set-aside units at the time of completion, the units shall be offered for sale to Income Eligible Households as defined in 760 CMR 56.

c) Units set aside for sale directly to Income Eligible Households as defined in 760 CMR 56 shall be offered only to those households which qualify or meet the definition of Income Eligible Household as defined in 760 CMR 56.

(Art. 52, F.T.M. 101/17/17)

4- Each Affordable Housing Unit created in accordance with this section shall have limitations governing its resale. Such limitations shall have as their purpose to preserve the long-term affordability of the unit and to ensure its continued availability to Income Eligible Households as defined in 760 CMR 56 and to continue to qualify for inclusion in the Town's Subsidized Housing Inventory as calculated in accordance with 760 CMR 56. The limitations may include a formula to determine the maximum selling price which will take into account the lowered mortgage rates available to the owner at time of purchase, any appreciation to date of proposed sale, and any regulations of the agency which may have participated in providing financing for the original purchase. Additionally, such limitations may provide that in the event of a market rate sale a sum of money shall be returned to a designated agency in the Town that reflects the differential in mortgage rates enjoyed by the owner as a result of less than market rate financing. The resale controls shall be established through a deed restriction, and shall be in force in perpetuity. Such restrictions may also provide that the Natick Housing Authority shall have a prior right of purchase at the price determined according to the restriction for a period of thirty (30) days after the unit is placed on sale. Notice of any proposed sale shall be given to the Planning Board and to the Natick Housing Authority. (Art. 35, 1992 Fall A.T.M.) (Art. 52, F.T.M. 10/17/17)

5- Affordable Housing Units to be offered for sale under the IHOP provisions shall, for a period of six (6) months from the date of first offering for sale, be offered on a 50%-50% basis to residents of the Town of Natick and/or to persons employed within the Town of Natick. Natick residency status shall be given only to one who had been a resident for at least one (1) year within the previous five (5) years. Such preference shall not be given if prohibited by, or to the extent prohibited by, a federal or state agency under a financing or other subsidy program. Persons who are both residents and work in the Town of Natick shall be given only one preference. (Art. 52, F.T.M. 10/17/17)

6- In addition to any requirements under Site Plan Review, the Special Permit, or Subdivision approval, an applicant must submit a development plan acceptable to the Planning Board plan indicating how the parcel could be developed under the underlying zoning (i.e. a baseline plan). Any bonus granted shall be calculated from the baseline plan. The development plan showing the bonus units shall also indicate the proposed Affordable Housing Units, which must be dispersed throughout the parcel to ensure a mix of market-rate and Affordable Housing. Affordable Housing Units shall have an exterior appearance that is compatible with, and to the extent that is possible, indistinguishable from the market rate units in the development. Affordable Housing Units shall contain at least two (2) or more bedrooms and shall be suitable as to design for family occupancy. The owners of Affordable Housing Units shall have all of the rights and privileges accorded to market rate owners regarding any amenities within the development. (Art. 10, 1991 Fall A.T.M.) (Art. 52, F.T.M. 10/17/17)

B- HOUSING OVERLAY OPTION PLAN – (HOOP)

1. PURPOSE

The purpose of this Housing Overlay Option Plan is to create overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to Income Eligible Households as defined in 760 CMR 56 in a manner consistent with the character of the downtown area. In order to encourage utilization of the Town's remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to Income Eligible Households as defined in 760 CMR 56. This requirement will reduce sprawl by developing land that is underutilized and is located in Natick Center where public transportation is available. Development under the provisions of this bylaw, or under MGL Chapter 40B, Sections 20-23 is encouraged to take place in the HOOP Districts. It is desirable in these overlay districts to provide for: pedestrian areas within and between housing complexes; public parks; open

space and additional open space resulting from placing parking under buildings or underground.

2. APPLICABILITY

The provisions of this section may be utilized on any land located within the HOOP – I and HOOP - II districts, subject to the requirements and standards set forth in this Section.

All regulations of the underlying zoning districts shall apply within the HOOP – I and HOOP – II Districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section. Where requirements and standards within the HOOP - I and HOOP – II Districts, as set forth in this Section, differ from or conflict with applicable requirements and standards set forth elsewhere in this By-Law, the requirements and standards established for the HOOP – I and HOOP – II Districts shall take precedence.

3. DENSITY

a) The maximum number of dwelling units allowed in the Housing Overlay Option Plan – I (HOOP - I) District shall equal the net land area which shall mean the gross area of the parcel divided by 2,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein .

b) The maximum number of dwelling units allowed in the Housing Overlay Option Plan – II (HOOP - II) District shall equal the net land area which shall mean the gross area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein.

c) The number of dwelling units allowed in the HOOP - I and HOOP – II Districts may be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.

(Art. 52, F.T.M. 10/17/17)

4. BONUSES, USES

a) Where the SPGA, in its discretion, finds that, in addition to the project's meeting the requirements under site plan review under § VI-DD of this bylaw, the following criteria are met for parcels in the HOOP – I District, then the maximum number of dwelling units allowed shall equal the gross area of the parcel divided by 1,500 square feet, rounded to the nearest whole number, and where the SPGA, in its discretion, finds that, in addition to the project's meeting the requirements under site plan review under § VI-DD of this bylaw, the following criteria are met for parcels in the HOOP – II District, then the

maximum number of dwelling units allowed shall equal the gross area of the parcel divided by 3,000 square feet, rounded to the nearest whole number.

b) The criteria to be met include each of the following:

- 1) For HOOP – I, that at least 20% of the total number of dwelling units are Affordable Housing Units
- 2) For HOOP – II, that at least 20% of the total number of dwelling units are Affordable Housing Units”; and, further, by renumbering items “2”, “3”, “4”, and “5” as items “3”, “4”, “5” and “6” respectively;
- 3) The Site plan demonstrates an overall planning concept and design of individual structures and parcels that is consistent and harmonious with the existing town center streetscape and character and which strengthens the town center's integral and vital role in the greater community;
- 4) The Site Plan includes a professional landscape plan with substantial planting;
- 5) The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;
- 6) The Site Plan includes other elements found beneficial by the Design Review Board.

(Art. 52, F.T.M. 10-/17/17)

5. INTENSITY REGULATIONS FOR THE HOOP DISTRICTS

	<u>HOOP – I</u>	<u>HOOP - II</u>
Minimum lot area	15,000 square feet	20,000 square feet
Continuous frontage	minimum of 100 feet	minimum of 100 feet
Minimum depth	75 feet	75 feet
Minimum setback, front	10 feet	10 feet
Minimum side-yard setback	5 feet	5 feet
Minimum rear-yard setback	5 feet	5 feet
Maximum building coverage	40%	40%
Maximum building height	40 feet	40 feet
Minimum open space	35%	45%

6. OPEN SPACE

The open space requirement may be met with the provision of publicly accessible parks and walking trails on or off-site and located within the HOOP – I or HOOP – II district. Each square foot of land provided as a public park, not to include wetlands, shall count as 1.5 square feet of required open space.

7. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E, and provided further that such waiver and/or

modification is necessary in order to encourage the creation of Affordable Housing units. (Art. 37, Spring ATM, 4/11/2017)

8. AFFORDABILITY

a) Affordability shall be determined in accordance with the definition of Affordable Housing found in Section 200. The Planning Board shall adopt rules and regulations regarding the sale or rental of all Affordable Housing Units. Unless otherwise regulated by a 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. Residency and employment in Natick shall be established through Town Clerk certification.

b) All Affordable Housing Units shall be maintained as such in perpetuity, or for as long as legally permissible, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms as permitted under the Massachusetts General Laws and as approved by the SPGA.

(Art. 52, F.T.M. 10/17/17)

9. DESIGN CRITERIA

The Applicant shall submit plans for all buildings, landscaping, and structures to the Design Review Board, which shall submit a report to the Special Permit Granting Authority for consideration during its special permit hearing. The Design Review Board report shall include its determination regarding the extent to which the proposed development meets any or all of the criteria set forth in subparagraph 4.b) above, and whether the project shown on the Site Plan is designed, located and constructed to afford the following:

- a. Compatibility of architectural styles, scales, building materials and colors within the development;
- b. Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
- c. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
- d. The capability for constant surveillance, orientation and recognition.

(Art. 27, Spring A.T.M. 4/15/04)

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.

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.

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 5.1 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map of the Town of Natick, “Northwest Quadrant”.

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 use, 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 that 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:
 - 3) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5; and
 - 4) 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.

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: 27.6 units per acre.

c) INTENSITY REGULATIONS

Continuous frontage:	40 feet
Minimum depth:	100 feet
Minimum front-yard setback:	25 feet
Minimum side-yard setback:	15 feet
Minimum rear-yard setback:	15feet
Minimum setback from rail right of way	0 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.

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.

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, the Design Review Board, 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 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.

10.6 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. Except where expressly prohibited herein, upon the request of the Applicant, the Plan Approval Authority may waive the dimensional and other requirements of this Section 7.1c 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 or Middlesex County Registry District of the Land Court, as applicable, 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. 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 and effect, to the extent permitted by law. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town's Zoning Bylaw.

(Art. 2, S.T.M.#1, 12/19/06)

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

(iv.a) For a School Campus: For contiguous parcels of less than 5 acres, intensity regulations of part (iv) apply. For contiguous parcels of 5 acres and greater: Buildings and structures not exceeding the height for the zoning district in which they are located may not project beyond sky exposure planes determined from the lot lines in a rise:run ratio of 1:1. For contiguous parcels of 5 acres and greater the height of individual buildings and structures may be 60 feet subject to 60 foot setbacks and sky exposure planes determined from the lot lines in a rise:run ratio of 1:2 (Art. 18 Fall A.T.M 10/24/17)

(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.

(vi) Towers, steeples, cupolas, and other similar elevated structural building elements may exceed the Maximum Height of Building for the district in which it is located provided that such structural element does not project beyond the applicable Sky Exposure Plane, and provided that such elements do not have a combined cross-section area exceeding the lesser of 500 square feet or 15 percent of the building's footprint. (Art. 18 Fall A.T.M 10/24/17)

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”

(Art. 3, STM #1, 5/9/17)