

III-B HIGHWAY MIXED USE - (HM-I) DISTRICTS USE REGULATIONS

Only those uses provided for below are permitted or allowed in a Highway Mixed Use - I (HM-I) District. To the extent permitted by law, all other uses are prohibited.

1. Permitted Uses: The following uses are permitted as of right on all premises in HM-I Districts:
 - a. Any use permitted as of right in Industrial Two (IN-II) Districts.
 - b. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)
2. Allowed Uses: The following uses are permitted on all premises in the HM-1 District provided that a Special Permit is obtained from the Special Permit Granting Authority (SPGA) in accordance with the requirements of this Bylaw. (Art. 29, Fall ATM, 10/8/98)
 - a. Any use permitted with a Special Permit in Industrial Two (IN-II) Districts.
 - b. Licensed Nursery Schools and/or Daycare Centers (Art. 16, 1987 ATM, 10/6/87)
 - c. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
3. Permitted Uses - Large Parcels: In addition to the foregoing uses, the following uses are permitted in HM-I Districts on premises with minimum lot area in excess of 200,000 square feet and conforming to requirements of Section III-B(5) hereinafter set forth:
 - a. Business or professional office or agency; bank or other financial institution; administrative office; clerical office; statistical office; establishment for research and/or development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
 - b. (Reserve Space) (Art. 2, S.T.M. #1, 1/23/96);
 - c. (Reserve Space) (Art. 2, S.T.M. #1, 1/23/96);

- d. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
 - e. Printing or publishing establishment;
 - f. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district;
 - g. Library; museum;
 - h. Hotel; motel.
4. Allowed Uses Large - Parcels: In addition to the foregoing uses, the following uses are permitted in HM-I Districts on premises with minimum lot area in excess of 200,000 square feet and conforming to the requirements of section III-B (5) hereinafter set forth provided a Special Permit is obtained from the Special Permit Granting Authority (SPGA) in accordance with the requirements of this Bylaw (Art. 29, Fall ATM, 10/8/98):
- a. Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only;
 - b. Private landing area to be used solely for the landing, taking off and storage of helicopters.
5. Intensity Regulations - Large Parcel Uses: Where uses exist or are proposed which are permitted by Sections III-B (3) or III-B (4) hereof, the following intensity regulations shall apply in lieu of the intensity regulations set forth in Section IV-B. (Where no such uses exist, the applicable intensity regulations of Section IV-B shall apply. Furthermore, the general requirements of Section IV-A of these By-Laws shall apply):
- a. Minimum lot area: 200,000 Square feet.

- b. Minimum continuous frontage: 200 feet.
- c. Minimum depth: 200 feet.
- d. Minimum front yard: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).
- e. Minimum side yard and rear yard: Where side yards or rear yards abut premises used for residential purposes, such yards shall maintain the following depth along said boundaries; one and one-half (1-1/2) times the height of the structure located adjacent to said side yard or rear yard but not less than fifty (50) feet in width. There shall be excluded from the computation of side and rear yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure.
- f. Maximum building coverage: 50% including accessory buildings.
- g. Maximum height of buildings: 75 feet.
- h. Open space requirements per lot: A strip of landscaped open space at least four (4) feet in width shall be maintained at all side lot lines and rear lot lines. Along those portions of lot lines that abut residentially zoned districts, there shall be created and maintained a strip of landscaped open space of at least twenty (20) feet in width (including the foregoing strip) for any lot whose area is more than five (5) acres but less than ten (10) acres, with the ten (10) additional feet of width for each additional five (5) acres of lot area, but in no event shall it be required that any such open space be more than fifty (50) feet in width. Moreover, it shall not be required that any such open space be wider than the width of the respective existing side, rear or front yard of the premises, as the case may be, so long as such yard conforms with the requirements of these By-Laws. All such landscaped open spaces may be interrupted for pedestrian, vehicular and utility installation and access. All landscaping shall be constructed and maintained as provided in Section IV-B(x) of these By-Laws. No additional buffers shall be required under this Section at property lines at which the requirements of these By-Laws for landscaping adjacent to rights-of-way are satisfied.
- i. Structures in existence January 1, 1979: Notwithstanding the foregoing requirements, structures in existence on January 1, 1979, and improvements thereto, such as the addition of access and egress facilities, addition of new building facades and the addition of structural supports, shall be deemed to satisfy the requirements of (d) , (e) and (g) of this subsection. In addition, any structure in existence on

January 1, 1979 may be altered and improved to a height in excess of seventy-five (75) feet so long as such alteration and improvement does not exceed the height of the highest portion of that structure in existence on January 1, 1979.

(Art. 1, S.T.M. March, 1979)

III-C HIGHWAY MIXED USE - (HM-II) DISTRICT USE REGULATIONS

1. PERMITTED AND ALLOWED USES:

a) Small Parcels- On lots located within an HM-II District, containing two hundred thousand (200,000) square feet of land or less, all uses permitted as of right and all uses allowable on such lots on the issuance of a Special Permit by the Special Permit Granting Authority which were permitted or allowable in the zoning district within which said lots were located immediately prior to rezoning to an HM-II District shall respectively continue to be permitted or allowable uses.

b) Large Parcels- On lots located within an HM-II District, containing over two hundred thousand (200,000) square feet of land or less, the following uses as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right: Use Nos. 1, 3, 5, 9 and 46C.

(Art. 9, S.T.M. #1 January 21, 1992)

2. OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HM-II district, elect to develop their land under an Over-all Site Plan, then the uses set forth hereafter under Section III-C.3 may be permitted upon Site Plan Review and the grant of a Special Permit by the Planning Board in accordance with Sections VI-DD and VEE of these By-Laws. Where owners of adjacent lots wish to combine them for the purpose of seeking a Special Permit and approval of a Final Site Plan under this Section, they must submit a recordable agreement to the Planning Board with their petition for a Site Plan Review and Special Permit. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded upon approval of a Final Site Plan prior to the issuance of any building permit. (Art. 9, S.T.M. #1 January 21, 1992)

3. ALLOWED USES UNDER AN OVERALL SITE PLAN

The following uses may be allowed in an HM-II District under an Overall Site Plan as described in Section III-C.2: (Art. 9, S.T.M. #1 January 21, 1992)

a. Business or professional office or agency; bank or other financial institution, administrative office; clerical office; statistical office; establishment for research and-or development; craft, consumer,

- professional or other service establishment dealing directly with the general public; business training center;
- b. Retail Stores;
 - c. Hotel or Motel;
 - d. Indoor amusement or recreation place provided that the building or portion of the building dedicated to such use is so insulated and maintained as to confine noise to the premises and is located at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
 - e. Wholesale or retail office or showroom with inside storage of goods for sale on the premises only;
 - f. Printing or publishing establishment;
 - g. Off street parking which may be surface or indoor; (Art. 24, ATM 4/11/95)
 - h. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages, to be chiefly consumed on the premises, provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district;
 - i. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises, provided that any portion of a structure dedicated to such uses is located at least three hundred fifty (350') from the nearest existing residential structure.
 - j. Licensed Nursery Schools and/or Daycare Centers (Art. 16, 1987 ATM, 10/6/87)
 - k. Health Care or Retirement Facility (Art. 1, S.T.M. #5, 11/16/93)
 - l. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
 - m. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/19)

- n. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.
(Art. 31, Fall TM 10/15/19)

4. INTENSITY REGULATIONS:

a) Small Parcel Uses: Uses permitted within "Small parcels" as defined in Section III-C1 hereof shall conform to Section IV-B Intensity Regulations of the Zoning Bylaw for the Zoning District in which said small parcel was located immediately prior to rezoning to an HM-II District.

b) Large Parcel Uses: Uses permitted within "Large Parcels" as defined in Section III-C1 hereof shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. (Art. 9, S.T.M. #1 January 21, 1992)

5. INTENSITY REGULATIONS UNDER OVERALL SITE PLAN DEVELOPMENT

Where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-C.2. in addition to any general requirements of Section IV-A, the following regulations shall apply:

a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 8 acres.

b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 200 feet along the major highway or along the access road from the parcel to the major highway.

c. MINIMUM LOT AREA: 100,000 square feet.

d. MINIMUM LOT DEPTH: 200 feet.

e. MINIMUM LOT FRONTAGE ON MAJOR HIGHWAY OR THE ACCESS ROAD: 100 feet.

f. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).

g. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 100 feet to the side or rear lines of the parcel. Where the parcel abuts residentially zoned land the setback of structures shall be no less than two (2) times the height of such

structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other commercially zoned land, or where the parcel abuts town owned land regardless of zoning classification, the side or rear yards of any lots so abutting shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure. (Art. 1, STM #4, 10/05/93)

h. **MAXIMUM BUILDING COVERAGE:** 25 per cent, including accessory buildings; provided however, that a garage structure, to the extent that it provides parking for the number of parking spaces required in accordance with this By-Law, shall not be counted in determining building coverage. The portion of the garage building "footprint" to be counted towards building coverage shall be a fraction of the total building footprint area; said fraction having as its numerator the square foot area in the building devoted to accommodate the excess parking spaces, and having as its denominator the total square foot area in the garage building devoted to parking.

i. **MAXIMUM HEIGHT OF BUILDINGS:** 55 Feet, however, buildings may be 75 feet high if setback at least 200 feet from residential districts. (Art. 1, STM #4, 10/5/93)

j. **BUFFERING REQUIREMENTS:** A strip of landscaped buffer area at least 50 feet in width shall be maintained at all side and rear boundaries of the parcel. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; any such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires buildings shall be so sited as to minimize their being visible from surrounding residences. Said buffer area may be interrupted for drainage channels, ponding areas, pedestrian, vehicular and utility installations.

k. **GARAGES AND PARKING:** Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall and roof lighting shall be screened laterally.

For the purpose of this HM-II district, and notwithstanding any other provision of these By-Laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for

angle parking or 18 feet for parallel parking, provided that no more than 50 percent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(III-C.2, 3 and 5 amended - Art. 4 S.T.M. #3, October 27, 1981)

III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.
 - a. One -family detached dwelling;
 - b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
 - c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
 - d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law.; (Art. 42, F.T.M. 10/17/17) (Art. 32, Fall TM 10/16/18)
 - e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
 - f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
 - g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
 - h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
 - i. Customary home occupation;
 - j. Wholesale or retail stores or office or showroom with inside storage of goods;
 - k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;

- k. 1. Limited salesroom for motor vehicles. *(Article 5, FTM, 10/15/2013)*
- l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
- m. Printing or publishing establishment;
- n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;
- o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;
- p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal facilities.
- q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)
- r. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. **(Art. 30, Fall TM 10/15/19)**
- s. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. **(Art. 31, Fall TM 10/15/19)**

2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Special Permit Granting Authority in accordance with Section VI - E - 2:

- a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;
- b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided

that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;

- c. Sanitarium, nursing or rest home;
- d. Accessory use.
- e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)
- f. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
- g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)
- h. Commercial Boarding or Training Dog Kennel; (Art. 27, Spring T.M. 4/9/19)
- i. Commercial Breeder Dog Kennel. (Art. 27, Spring T.M. 4/9/19)

3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:

- a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as

20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.

b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.

c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.

e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%.
(Art. 6 S. T. M. March 20, 1979)

III-E DOWNTOWN MIXED USE DISTRICT DM

1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers. Some multi-family dwellings may be included to provide economic viability to such center while adding to the housing stock of the community. The DM District is intended to apply only to the central business area in the vicinity of the intersection of Routes 135 and 27.

2. USE REGULATIONS FOR DM DISTRICTS:

Only those uses provided for below are permitted or allowed in a DM District. All other uses are prohibited, except as may be provided for hereafter.

a. PERMITTED USES:

The following uses are permitted as a matter of right in a Downtown Mixed Use District, such uses may be combined in the same structure and/or on the same lot:

1. One-family detached dwelling only if existing as of the time of adoption of this By-Law.
2. One-family attached or detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.
3. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law.
4. (reserved)
5. (reserved)
6. (reserved)
7. Private garage or outdoor vehicles storage in connection with a dwelling.

8. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business.
9. Customary home occupation.
10. Wholesale or retail stores or office of show room with inside storage of goods for sale on the premises only.
11. (reserved)
12. (reserved)
13. Business or professional office or agency, bank or other financial institution, administrative offices, clerical offices, statistical offices, craft, consumer, professional or commercial service establishments dealing directly with the general public, business training center.
14. Undertaking establishment or funeral home.
15. Printing or publishing establishment.
16. Restaurant, tearooms, lunchrooms, or other places serving permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business.
17. Eating establishments without live or mechanical entertainment. Outdoor dining is allowed provided that:
 - i. A minimum six (6) foot clear path is maintained free of obstruction in any pedestrian pathway or sidewalk;
 - ii. The outdoor dining area is at least 50 feet from a residential district;
 - iii. Where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area; and
 - iv. The proposed outdoor dining area complies with all other Town and State rules and regulations.

(Art. 8 Fall T.M. (10/20/20))

18. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use.
19. (reserved)
20. Warehouse of less than 1,000 square feet gross floor area.
21. Establishments for scientific research or scientific development or related production.
22. A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities.
23. Public utility structure including telephone exchanges, and radio and TV stations offices (excluding towers).
24. Church, rectory, convent, parish house, and other religious institutions such as religious sectarian schools.
25. Schools conducted by a non-profit educational corporation on land which it owns.
26. Fallout shelters.
27. All uses, which by any of the provisions of the Massachusetts General Laws, including Chapter 40A, may not be prohibited, are hereby included by reference as permitted uses.
28. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/19)

b. USES ALLOWED ON SPECIAL PERMIT ONLY:

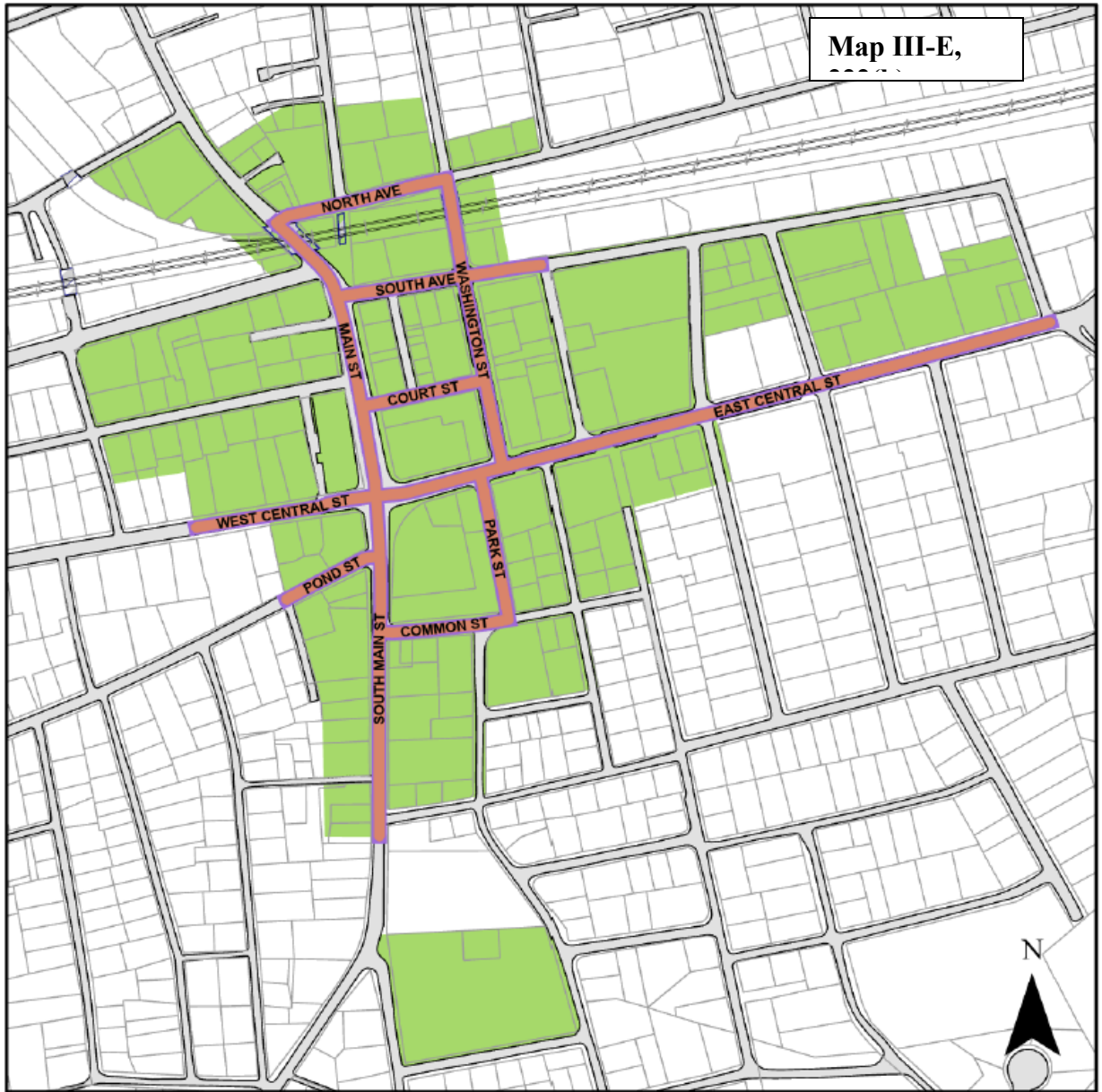
The following uses may be allowed by the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

1. Multi-family dwellings, provided that:
 - i. the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;

- ii. all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority. (Art. 32, Fall TM 10/16/18) (Art. 52, F.T.M. 10/17/17) (Article 29, Fall TM 10/15/19)

- iii. Habitable Rooms of multi-family dwellings may be located on the first floor of any structure in the DM district except on:
 - Main Street in its entirety, from West/East Central Street to North Avenue;
 - South Main Street from West/East Central Street to south boundary of DM district;
 - North Ave from North Main Street to Washington Street;
 - South Ave from Main Street to Clarendon Street;
 - Pond Street from South Main Street to the west boundary of the DM district;
 - East Central Street from Main Street to east boundary of DM district;
 - West Central Street from Main Street to west boundary of DM district
 - Common Street from South Main Street to Park Street;
 - Court Street in its entirety;
 - Park Street in its entirety;
 - Washington Street from East Central to North Avenue.

As shown on Map III-E, 2(b)



(Art. 4, Fall T.M. 10/20/20)

2. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and such use is located not less than one hundred (100) feet from a residential district.
3. Indoor tennis or racquet club or other in-door recreation place, provided that the building is so insulated and maintained as to confine noise to the premises.

4. Gasoline or service station.
5. Eating establishments providing live or mechanical entertainment.
(Art. 8, Fall T.M. 10/20/20)
6. Warehouse of more than 1,000 square feet gross floor area.
7. Accessory use.
8. Boarding House, Tourist Home or Lodging House.
9. Hotel and Motel.
10. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots.
10. a. Limited salesroom for motor vehicles. *(Article 5, FTM, 10/15/13)*
11. Commercial parking lot
12. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.
13. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from a residential district.
(Art. 31, Fall TM 10/15/19)

3. DIMENSIONAL AND DENSITY REQUIREMENTS

a. MINIMUM LOT DIMENSIONS: Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.

b. MINIMUM YARD DIMENSIONS:

1. Front Yard – fifteen (15) feet or any lesser amount by special permit provided that the SPGA finds that the following criteria have been met:

i. Adequate sidewalk width is available to support the anticipated level of activity and usage;

ii. the placement of the building is generally consistent with that of other buildings on the streets; and

iii. the placement of the building supports a walkable pedestrian area.

2. Side Yard – Ten (10) feet where premises abut a residential district, otherwise none required.

3. Rear yard – Twenty (20) feet.
(Art. 3 Fall T.M. 10/20/20)

c. MAXIMUM PERCENTAGE BUILDING COVERAGE: (Includes any accessory building): 60 %.

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:

Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers. No part of a building lying within twenty (20') feet of a residential district boundary may exceed forty (40') feet.
(Art. 6, S.T.M. #2, 10/10/00)

e. MINIMUM HEIGHT OF BUILDINGS:

Building height for any new building shall equal at least thirty (30) feet.
(Art. 6, S.T.M. #2, 10/10/00)

f. OPEN SPACE REQUIREMENT PER LOT: Ten (10%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

4. DESIGN REVIEW BOARD

A. PURPOSE

It is the intent of this Section to provide detailed review of exterior alterations made to structures having substantial impact on the Natick Downtown Mixed Use District, to prevent blight, to enhance the natural and aesthetic qualities of the Downtown, to conserve the value of land and buildings, and to protect and preserve the historic and cultural heritage of the Downtown and its surrounding neighborhoods.

B. DESIGN REVIEW BOARD COMPOSITION

For the purposes of this Section III-E.4, the Design Review Board shall be appointed by the Planning Board and the Natick Board of Selectmen to consist of five (5) Town residents as follows:

1. A member of the Planning Board or designee,
2. A person appointed by the Planning Board qualified by training and experience in Landscape design,
3. A person appointed by the Planning Board qualified by training and experience in Architecture design,
4. A person appointed by the Board of Selectmen who serves on the Historic Commission,
5. A person appointed by the Board of Selectmen who serves on a Downtown Business organization.

Members shall serve for three (3) years or until their successors are appointed, except that the members listed under paragraphs 2 and 4 above shall serve for two (2) years in their initial term, and the member listed under paragraph 3 above shall serve for one (1) year in his or her initial term.

C. AUTHORITY AND SPECIFIC POWERS

The Design Review Board shall review requests for sign permits, new construction, or any other exterior alterations or modifications to a building, with the exception of single- and two-family dwellings, that require a special permit or variance. It shall evaluate such requests based on Part D – Design Criteria of this section. All requests must be submitted to the Design Review Board prior to application to the Special Permit Granting Authority or Permit Granting Authority. A written determination must be made within thirty (30) days after the filing of the application or such further time as the applicant may in writing allow. Its findings, along with any restrictions and/or conditions, shall be submitted in writing to the Special Permit Granting Authority or Permit Granting Authority. These comments may also be incorporated in the recommendations of the Planning Board to the Special Permit Granting Authority or Permit

Granting Authority. All decisions and reports of the Design Review Board shall be advisory only.

D. DESIGN CRITERIA

The Design Review Board shall review requests for Special Permits under this Section based on the following standards:

1. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. Proposed buildings shall be related to their surroundings with respect to:
 - a. height
 - b. street façade
 - c. rhythm of solids and voids
 - d. spacing of buildings or signs
 - e. materials, textures, and color
 - f. roof slopes
 - g. scale
3. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
4. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
5. Heritage. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

6. The Design Review Board may, in its discretion, determine and apply additional Design Criteria that further the purposes of this bylaw.

E. DESIGN GUIDELINES HANDBOOKThe Design Review Board shall publish and make available to the public on request a booklet of guidelines based on the specific Design Criteria cited in Part D to effectuate the purposes of this Section.

(Art. 21, Fall A.T.M., 10/21/03)

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)

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 un-fragmented 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:

<u>Average Dwelling Size (Gross Floor Area)</u>	<u>Adjustment Factor (Single-family houses/townhouses)</u>
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*	2½ 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: 60% 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*	2½ 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)

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

* Subject to waiver provisions of Section III-F.1.10(d) # Excluding area for circulation and ingress/egress (hallways, 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: $3 \text{ affordable units} \times 2 = \mathbf{6 \text{ (six) bonus unregulated dwellings}}$.
3. The final size of the SRC development is the total of Lines 1 & 2: $17 \text{ dwellings} + 6 \text{ bonus dwellings} = \mathbf{23 \text{ dwellings, three of which are considered affordable}}$.
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)

III-G.1 HIGHWAY MIXED USE - III (HM-III) DISTRICT USE REGULATIONS:

1. PERMITTED USES; SITE PLAN REVIEW:

Use Nos. 1, 3, 5, 9 and 46C as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right in the HM-III District. The following additional uses may be allowed upon the issuance of a Special Permit by the Planning Board, subject to Site Plan Review and the procedure as described in Section VI-DD of this Bylaw: (Art. 10, S.T.M. #1 January 21, 1992) (Use 46C – Art. 30, Fall ATM, 10/8/98)

- a. Business or professional office or agency, bank or other financial institution;
- b. Hotel or motel;
- c. Administrative office clerical office, statistical office, or establishment for research and development;
- d. Professional or commercial service establishment dealing directly with the general public;
- e. Business training centers;
- f. Retail and wholesale sales including garden shops, open storage, restaurants which do not serve alcoholic beverages, and vehicle service centers which do not sell gasoline or diesel fuel. (Art. 11, 1991 Fall A.T.M.)
- g. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises;
- h. Off-street parking and other accessory uses normally incidental to the permitted uses.
- i. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
- j. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/19)

2. INTENSITY REGULATIONS:

Permitted Use. Nos. 1, 3, 5 and 9 as set forth above shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. The following intensity regulations shall apply to the uses permitted upon Site Plan Review and subject to the issuance of a Special Permit as provided above, in lieu of the intensity regulations set forth in Section IV-B; and in addition the requirements of Section IV-A.5 shall apply.

(Art 11, 1991 Fall A.T.M.) (Art. 10, S.T.M. #1 January 21, 1992)

a. MINIMUM AREA AND FRONTAGE FOR SUBMISSION OF A FINAL SITE PLAN:

A tract of land either in the same ownership or separately owned and joined together for purposes of this Section, must have in the aggregate an area of 200,000 square feet and a minimum frontage of 200 feet along the major highway or along a driveway or a subdivision road having a minimum paved width of 30 feet leading from the tract to the major highway as a prerequisite for development and site plan approval under this HM-III Zoning By-law. (Article 11, 1991 Fall A.T.M.)

b. MINIMUM LOT AREA AND FRONTAGE:

Lots may be created in accordance with Subdivision Control law and final site plan approval may be given individually to lots existing or created by subdivision, which have an area of 100,000 square feet and 100 feet of frontage provided they are within an overall tract of land which complies with the Minimum Area and Frontage requirements of Sub-Section (a), and which lot or lots form part of an overall site plan submitted for approval as to a portion of the parcel containing such lot or lots.

c. MINIMUM LOT DEPTH: 200 feet

d. MINIMUM FRONT SETBACK OF BUILDINGS:

No buildings shall be located closer than 100 feet to the front line of the entire parcel. For this purpose the front line shall be the portion of the entire parcel abutting the major highway. (Art. 11, 1991 Fall A.T.M.)

e. MINIMUM SIDE AND REAR SETBACKS OF BUILDINGS:

No buildings shall be located closer than 100 feet to the side or rear lines of the entire parcel. Where the parcel abuts residentially zoned

land the setback of a building shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other non-residentially zoned or used land the side or rear building setback so abutting such land shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure.

f. MAXIMUM BUILDING COVERAGE: Fifty per cent including accessory buildings.

g. MAXIMUM HEIGHT OF BUILDINGS: Seventy-five feet.

h. BUFFERING REQUIREMENTS:

A strip of landscaped buffer area at least one hundred and fifty (150) feet in width shall be maintained at side and rear boundaries of that portion of the land situated in Natick abutting single-family residentially zoned land which was not, on January 1, 1992, developed or used for hotel, motel or other commercial uses. Said buffer area shall be free of driveways, parking areas and buildings but may include terraces, retaining walls, berms, plantings, fences, drainage facilities and utilities. Where the side and rear boundaries of the entire tract of land abut non-residentially zoned or used land a landscaped buffer area at least ten (10') feet in width shall be maintained. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; and such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires, buildings shall be so sited as to minimize their being visible from drainage channels ponding areas, pedestrian, vehicular and utility installations. (Art. 1 Fall Session A. T. M. October 6, 1981); (Art. 11, 1991 Fall A.T.M.) (Art. 9, S.T.M. #1, 2/3/93)

i. GARAGES AND PARKING:

Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof lighting shall be screened laterally.

For the purpose of this HM-III district, and notwithstanding any other provision of these By-laws, an off-street parking space may have a

width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for parallel parking, provided that not more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 7 S.T.M. # 3 October 27, 1981)

III-G.2 HIGHWAY PLANNED USE (HPU) DISTRICTS:

1. PURPOSE AND INTENT:

Within the purposes expressed in Section 1-A and in the General Laws Chapter 40A, the particular intent of these By-laws relating to HPU Districts is to provide for large scale development of various commercial uses in a manner that provides flexibility for creative land planning on large parcels of land which are surrounded by single family residential development, but which have frontage along a major four lane divided highway.

2. USES:

A. PERMITTED AND ALLOWED USES:

On lots located within an HPU District, all uses permitted as of right and-or all uses allowable on such lots upon the issuance of a Special Permit from the Special Permit Granting Authority, which were permitted or allowable in the zoning district within which said lots were located immediately prior to their being rezoned into an HPU District shall continue to be permitted or allowable uses, respectively, unless the owner or owners elect to develop their property under an Overall Site Plan as provided for in Section 2.B following hereafter, and such Site Plan is finally approved. Use No. 46C shall be permitted as a matter of right and Use No. 46A shall be allowed upon the issuance of a special permit by the Planning Board. (Art. 30, Fall ATM, 10/8/98)

B. ALLOWED USES-OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HPU district, having in total a minimum area of 25 acres elect to develop their land under an Overall Site Plan then the uses permitted under Section 2.A above shall no longer be allowed and the following uses may be permitted upon Site Plan review and the grant of a Special Permit by the Planning Board in accordance with sections VI-DD & VI-EE of these By-laws. Where owners of adjacent lots wish to combine them for the purpose of seeking a Special Permit and approval of a final Site Plan under this Section, they must submit a recordable agreement to the Planning Board with their petition for a Site plan Review and Special Permit. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded upon approval of a Final Site Plan prior to the issuance of any building permit. The following

are the only uses which may be allowed in such a development in an HPU District:

- a. Business or professional office or agency; bank or other financial institution; administrative office, clerical office, statistical office, establishment for research and/or development; craft, consumer, professional or other service establishment dealing directly with the general public, excluding the sale of any goods; (Art. 7, STM 6/13/95)
- b. Retail stores. An overall Site Plan may not show retail space which exceeds 20 per cent of the total developed floor space, excluding garages;
- c. The surface or indoor storage and parking of motor vehicles, with no provisions for operations incidental to the sale or servicing of such vehicles; (Art. 7, STM 6/13/95)
- d. Printing or publishing establishment;
- e. Restaurant located within structures in existence prior to January 1, 1994 serving food and beverages to be chiefly consumed on the premises, with no facilities being provided to permit the serving or consumption of food or beverages outside of an enclosed structure, which restaurant shall not be open before 7:00 A. M. nor seat patrons for service after 11:00 P. M. provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district. (Art. 11, Fall ATM 10/4/94)
- f. Structures for indoor recreation uses available only to occupants or their guests, provided any portion of a structure containing such use is at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
- g. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

3. INTENSITY REGULATIONS

A. GENERAL REQUIREMENTS

Lots in an HPU District shall conform to those Intensity Regulations of this Zoning By-Law found in Section IV as applicable for the Zoning

District in which said lots were located immediately prior to rezoning to an HPU District.

B. SPECIAL REQUIREMENTS

Instead of the foregoing requirements, and only where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-G.2.B the following regulations shall apply:

a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 25 acres.

b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 1,500 feet on a 4-lane divided highway.

c. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet; (excluding staircases, ramps and other facilities required by law for the safe use of the structure).

d. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 150 feet to the side or rear lines of the parcel. Only garage structures may be located closer than 200 feet to the side or rear lines of the parcel. A setback from the side and rear boundaries of the parcel may be reduced to 50 feet if there is adjacent land outside of the parcel having a conservation restriction of a depth of at least 275 feet.

e. MAXIMUM BUILDING COVERAGE: 15 per cent, including accessory buildings and exclusive of structures devoted entirely to garages. Additional building coverage may be permitted in accordance with the following formula:

Additional coverage for a garage structure equals No. of parking spaces provided within garage divided by Minimum No. of parking spaces required in By-law, multiplied by 10 percent. Provided, however, that in no event shall the total building coverage for garage structures exceed 10 per cent.

f. MAXIMUM HEIGHT OF BUILDINGS: 15 feet, if located between 150 and 200 feet of the side or rear property lines, and 36 feet beyond 200 feet of the side or rear property lines. Where the setback is reduced to fifty (50') feet in accordance with the provisions of Section 3. B. (d), a building may be constructed up to a height of thirty-six (36') feet.

g. LANDSCAPED BUFFER STRIP REQUIREMENT: A strip of landscaped buffer area 100 feet in width shall be maintained by means of a conservation restriction at all side and rear boundaries of the parcel. This buffer strip of landscaped space shall not be required where it abuts other land outside of the parcel which has been preserved by a conservation restriction, provided such other conservation land is at least 275 feet in depth. All landscaping shall be constructed and maintained as follows:

A continuous eight foot high berm shall be provided along the side and rear boundaries of the parcel except where the parcel abuts land which has been preserved by a conservation restriction, provided said conservation land is at least 275 feet in depth. The berm shall contain plantings of evergreen trees that will reach a mature height of 30 feet or greater and which will form an effective year-round screen having an average spacing of 15 linear feet between them. Understory plant materials must be at least 3 feet in height when planted and trees must be at least 12 feet in height when planted. The berm and plantings required herein shall be completed and installed not later than three (3) years from the date the first building permit for the site is issued. (Art. 1 S.T.M. #2 - 10/5/82)

h. ACCESS: Access to and from the parcel shall be limited to a single major entrance and exit to the 4 lane divided highway. Reasonable acceleration and deceleration lanes shall also be provided adjacent the highway. One additional exit to the highway may be provided in order to allow for handling peak exiting traffic, provided that it is so restricted to exiting traffic only.

i. GARAGES AND PARKING: Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof level lighting shall be screened laterally. Where garages are constructed at the minimum permitted setback, no surface parking or roadways shall be permitted between such building and the adjacent buffer strip. However, emergency access ways may be provided, where necessary, surrounding each garage structure. Where garages are constructed at a height which prevents their being screened by vegetation or trees, adequate architectural treatment shall be given to the garage structure to achieve reasonable and appropriate compatibility with the other structures in the development. For the purpose of this HPU district, and notwithstanding any other provision of these by-laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for

parallel parking, provided that no more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 1, S.T.M. #3 October 27, 1981) (Art. 11, S.T.M. #1 January 21, 1992)