



# *Town of Natick*

2018 Spring Annual Town Meeting

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## FINANCE COMMITTEE RECOMMENDATION BOOK ADMINISTRATIVE LETTER #1

April 30, 2018

Greetings to all Town Meeting Members and Citizens of Natick,

The Finance Committee Chair wishes to advise Town Meeting Members that Motion A under Article 34 was printed incorrectly in Supplement #1, dated April 10, 2018.

The CORRECT motion is provided as part of this Administrative Letter #1. And, for ease of reference during Town Meeting, this letter also contains Motions B & C.

For all three motions, the Finance Committee voted Favorable Action with votes of 9-0-0, respectively. The Finance Committee discussion for this Article will not be replicated in this document.

The Chair of the Finance Committee wishes to apologize to Town Meeting Members and the residents of Natick for including incorrect information in the prior Recommendation Book Supplement #1 and hope that this has not been a significant inconvenience for any member.

Respectfully provided on behalf of the Finance Committee,

Patrick Hayes  
Finance Committee Chair

Attachments: Article 34- Motions A, B & C



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## **Administrative Letter #1 - Attachment**

This Document is a publication of the Town of Natick  
FINANCE COMMITTEE

### **ARTICLE 34 – Motion A (Two-thirds vote required)**

#### **Move To amend the Town of Natick Zoning by:**

Inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF USE DISTRICTS**, a new overlay district as follows:

#### **“Assisted Living Overlay Option Plan” “ALOOP”**

And; following SECTION III-I.2: Independent Senior Living Overlay Option Plan, inserting a new section, **Section III-I.3: Assisted Living Overlay Option Plan**, as follows:

**2.1. Purpose** The purpose of the ALOOP is to provide for the creation of Assisted Living Residences (ALRs) as defined in and in compliance with the rules, regulations and requirements of MGL c. 19D and 651 CMR 12.00. Accordingly, ALRs in Natick’s ALOOP districts shall comply with the Executive Office of Elder Affairs (EOEA) guidance: that ALRs are an important part of the spectrum of living alternatives for the elderly in the Commonwealth; that they should be operated and regulated as residential environments with supportive services and not as medical or nursing facilities; and that they should support the goal of aging in place through services, available either directly or through contract or agreement, to compensate for the physical or cognitive impairment of the individual while maximizing his or her dignity and independence. ALOOP Overlay Zoning will enhance the Town of Natick’s ability to improve the quality of life for its growing senior population in an ALR environment that fosters interdependence, community access, and resident empowerment. As such, ALOOP districts should have access to public transportation, the Community-Senior Center, emergency services, public parks and walking trails, cultural, educational, and recreational opportunities, and other community service and involvement opportunities.

#### **2.2. Applicability and Eligibility**

The provisions of this Section III-I.3 may be utilized on any land located within the ALOOP districts, subject to the requirements and standards set forth in this section.

All regulations of the underlying zoning districts shall apply within the ALOOP districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this



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Section III-I.3. Where the requirements and standards within the ALOOP district, 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 ALOOP district shall control.

ALRs shall be allowed by Special Permit in the ALOOP.

## **2.3 Net Usable Land Area**

Net Usable Land Area as used herein shall mean the area within the parcel to be used for the ALR Development in accordance with this Section remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for ALRs. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100-year flood plain elevations, and wetland boundaries. Notwithstanding the foregoing, the Net Usable Land Area shall not exceed 80% of the overall parcel size inclusive of the areas of any bodies of water, wetlands, or land lying within the 100-year flood elevation. For the purposes of calculating Net Usable Land Area and notwithstanding any provision of law to the contrary, wetlands shall not include any area that was created or converted into a wetland by human activity including without limitation Federal, State, or Municipal improvements.

## **2.4 Waivers & Modifications**

The SPGA is authorized to grant modifications and/or waivers from strict compliance with the provisions of this ALOOP in connection with Site Plan Review and/or Special Permits subject to the permissions, criteria, limitations, restrictions, and prohibitions of Section V-E of the Zoning Bylaw.

## **2.5 Intensity Regulations for the ALOOP Districts**

<b>Maximum Unit Density:</b>	The number of living units allowed in an ALOOP shall be equal to the living Net Useable Land Area divided by 1,600 rounded to the nearest whole number.
<b>Minimum lot area</b>	100,000 square feet
<b>Minimum frontage</b>	two times the frontage required in the underlying zoning district
<b>Maximum front yard setback</b>	40 feet
<b>Minimum side-yard setback</b>	two times the setback required in the underlying zoning district



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<b>Minimum rear-yard setback</b>	two times the setback required in the underlying zoning district
<b>Minimum lot depth</b>	two times the depth required in the underlying zoning district
<b>Maximum building height</b>	3 stories or 35 feet
<b>Minimum Open Space</b>	35% of land area exclusive of any permanent body of water but inclusive of wetlands.

1. The SPGA may waive the maximum front yard setback only if the SPGA specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of this provision would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such provision.

**2.6 Standards** The SPGA may grant a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40A, Section VI-EE Planning Board as Special Permit Granting Authority and Section VI-DD Site Plan Review sections of this Bylaw, and the following standards and requirements.

1. The ALR shall provide residences (living units) of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly who reside therein.
2. Such facility may include common areas and community dining facilities. Such facility may also provide accessory personal care services, assistance with activities of daily living, and other related programs and services. These accessory uses shall be for residents, their guests, and staff only and may include, but are not strictly limited to, meal care services, beauty salon, sundry shop, banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
3. The SPGA, in order to approve the special permit application, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. In addition, the SPGA, in order to approve the site plan review application, must find that: i) all noise, smoke, dust, odor, vibration and similar objectionable features are confined to the premises, ii) mechanical equipment (including equipment and containers such as, but not limited to, waste disposal, recycling and energy generation) is screened, if necessary, in a manner to shield visual impacts; iii) lighting is shielded in a manner consistent with Section V-I of this By-Law to reduce



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light trespass onto abutting properties or waterways; iv) paint colors and tones of materials be muted and not create visual distraction; v) design standards be consistent with a) the general neighborhood, b) prevalent streetscape, c) nearby historic districts, if any, within 300 feet of the property, and sighting shall reduce disruption of the topography of the neighborhood and d) barrier free design criteria; vi) buffers of native evergreen trees and other plants shall be planted, maintained and replaced when necessary to screen the facility from adjacent residential buildings; vii) parking, access and buffers are placed in a manner to separate or to screen parking areas from abutting properties to prevent imposition on or use of parking on abutting properties; viii) all utilities, wire, and cable service are placed underground.

**2.7 Affordability Requirements:** Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Subsidized Housing Inventory (SHI) as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make provisions for affordable housing by providing that ten (10) percent of all dwelling units, rounded to the next highest whole unit number, within an ALOOP shall be Affordable Housing units.

**2.8 Procedures.** In addition to the process set forth in Sections VI-DD and VI-EE, the following procedures are to be followed in obtaining approval for an ALR:

1. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include, at a minimum, a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALOOP parcel prior to submitting a formal application. The application for a special permit shall be filed by the Applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.



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3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

**Motion B: (Requires two-thirds vote)**

Moved: To amend the Town of Natick Zoning By laws as follows:

by inserting in the list in **Section VI-DD 2.A Special Permits** a) after the words “Independent Senior Living Overlay Option Plan ISLOOP” the following words: **“Assisted Living Overlay Option Plan ALOOP”**

and further by inserting in the list in **Section VI-DD-2B. Site Plan Review Applicability and SPGA Designation** a) after the words “Independent Senior Living Overlay Option Plan ISLOOP” the following words: **“Assisted Living Overlay Option Plan ALOOP”**

**Motion C: (Requires two-thirds vote)**

Moved: To amend the Town of Natick Zoning Map as follows:

By including an “Assisted Living Overlay Option Plan” overlay district on the land known as 119, 121, 123, 125, and 131 East Central Street; also known as assessors parcels Map 44 Parcels 272, 273, 274, and 275 and Map 45 Parcel 25A.