

**ARTICLE 25**  
**Cluster Development Allowed in Certain District**  
**(Planning Board)**

**ARTICLE LANGUAGE**

To see if the Town will vote to enact a moratorium from accepting new applications under Section III-F (Cluster Development Allowed in Certain Districts) Zoning Bylaw from the date of legal notification of this article for 1 year thereafter, to allow the Planning Board time to review and revise the bylaw and its application for a future Town Meeting; or otherwise act thereon.

**PURPOSE OF THE ARTICLE**

Over the past several years, Town Meeting has received multiple requests to amend Section III-F of the Natick Zoning Bylaw. Over the past several months, the Town has received a series of Special Permit Residential Cluster Development applications, all of which have identified needed amendments to the existing bylaw. This moratorium would give the Planning Board the opportunity to conduct a comprehensive review and update the cluster bylaw.

**FINANCE COMMITTEE RECOMMENDATION**

The Finance Committee took the following action:	RECOMMENDATION:	<b>Favorable Action</b>
	QUANTUM OF VOTE:	<b>10-1-0</b>
	DATE VOTED:	<b>April 5, 2022</b>

**MOTION** (Requires a 2/3 Vote)

*Move that the Natick Zoning Bylaws be amended as follows:*

Following the title of Section III-F (Cluster Development Allowed in Certain Districts), and prior to the paragraph entitled “AFFORDABILITY” insert a new paragraph to read as follows:

*“There is a temporary moratorium on accepting new applications under this section intended to allow the Town of Natick adequate time to undergo comprehensive review and planning, and revise this bylaw accordingly at a future Town Meeting. The moratorium period extends from March 2, 2022 (the date of legal notification of the enabling warrant article) for a period of 15 months thereafter, until June 1, 2023.”*

## **FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION**

The Finance Committee met on March 24, 2022 and April 5, 2022 to discuss Article 25 and voted to recommend Favorable Action 10-1-0.

Ms. Amanda Loomis, Director of Community & Economic Development, presented.

Ms. Loomis informed the committee that the Special Permit Bylaw for Cluster Developments has had four proposed amendments since 2017. Additionally, the town has received four recent Cluster Development applications, none of which, Ms. Loomis stated, yielded what the town wanted or expected. The intention of this article is to suspend the acceptance of Cluster Development applications with the goal of drafting new language for Section III-F to be voted on at Fall Annual Town Meeting 2022 or Spring Annual Town Meeting 2023.

Ms. Loomis detailed the applicant Cluster Developments as overly dense for the character or scale of its neighborhood or having open space with limited access or in less desirable locations. The moratorium and forthcoming amendment would make the process more efficient and transparent. The Planning Board and the Conservation Commission evaluate whether the Cluster Development is superior to the conventional subdivision, but the criteria are unclear. The density bonus relies on a calculation, as opposed to a proof plan. Currently, the calculation method for density divides the land area, less any wetlands, by the minimum lot size. There is no adjustment to the calculation for roads, easements, setbacks, and as such, the density calculation is inflating the number of housing units. A conventional subdivision uses about 25% of land for roads and infrastructure, while a cluster development uses 12% - 15% for roads.

The proof plan method allows for a density bonus for open space or additional affordable units, after the number of lots has been determined. The proof plan calculates the number of lots after removing space for wetlands, roads, flood zones, or other non-buildable land. Ms. Loomis stated that both calculation methods had their merits and could be better for different projects, communities, and lot sizes. She said the town will explore both options.

A member asked for the status of the four recent applications and if their application process would be impacted by this moratorium; they also asked if the retroactive date of March 2, 2022 meant that the town was currently not accepting Cluster Development applications.

Ms. Loomis answered that the moratorium allows the four existing applications to continue their review process. New applications are not being accepted because the March 2, 2022 date had already been advertised publicly as legally required. If the current applicants were to withdraw, they would be subject to the moratorium and the town would not accept a reapplication. If the article is voted down at Spring Annual Town Meeting 2022, the town would resume accepting Cluster Development applications.

As to the four recent applications: one was denied, one was approved, the other two are still under public review (April 13). They will proceed under the current Cluster Development rules and process. The applicants have the option of converting to a conventional subdivision, which has a by-right zoning process.

A member asked for the reasoning behind the duration of the moratorium.

Ms. Loomis answered that the town will be legally required to advertise the updated Cluster Development requirements, and that once these have been advertised, they will supersede the moratorium. Any article submitted by the Planning Board to amend the Cluster Development requirements will be accompanied by an end to the moratorium. Nevertheless, the moratorium is structured to allow for the updates to be proposed for either Fall Annual Town Meeting 2022 or Spring Annual Town Meeting 2023.

A member asked if the Planning Board knew what it wanted out of the Cluster Development and whether it would take an entire year to determine which parts of the bylaw needed to be updated to improve the results of the application process.

Ms. Loomis answered that the Planning Board wants to make sidewalks and access to open space part of the application process before a project reaches the public hearing phase. The Planning Board hopes to submit a comprehensive package of zoning bylaw updates to address many issues, of which the Cluster Developments are just one piece. Ms. Loomis indicated affordable housing would be addressed as part of the zoning bylaw updates and that one year should be enough time to draft amendments.

A member asked how this article would help Natick build more and affordable housing sooner rather than later.

Ms. Loomis stated that this moratorium was one of Natick's many tools in influencing housing. Massachusetts affordable housing guidelines are aimed at households earning up to 80% of the area's median income; while much of Natick's need is in the next income segment, households earning 80% - 120% of the median income. Other, higher-density projects would better address these goals than the current cluster development process.

A member noted that multiple applicants had complained that the density calculation performed by the town was not consistent with its own Cluster Development bylaw. They asked if the amendment would address and reduce these arguments by removing ambiguity as to what is included or excluded from the density calculation.

Ms. Loomis confirmed that the amendment will make explicit the evaluation criteria for the Planning Board, separate from the evaluation criteria of the Conservation Commission. The yet unwritten amendment will give clear guidelines for what a developer must do to receive a determination. The Cluster Development will continue to exist as a special permit.

A member asked how this review and amendment of the Cluster Development will be different from the four others since 2017.

Ms. Loomis stated that the town is devoting staff and time to consulting stakeholders such as Department of Public Works, Public Safety, Fire, Board of Health. The town will also use prior applications as test studies to see the different site plans different amendments would produce. Neighbors and abutters of cluster developments have given feedback, and the town will contact

developers as part of the process. Ms. Loomis expressed that future amendments would make the bylaw readable to most residents to give them clear expectations for what Cluster Developments entail.

The member inquired as to whether a developer could still contact the town about Cluster Developments and related requirements during the moratorium.

Ms. Loomis confirmed that a developer can still have questions answered by the town regarding regulations, perform soil tests that would otherwise occur before an application is submitted. During the moratorium, the underlying conventional subdivision regulations would prevail. The town would field developers' questions but would make them aware that the moratorium is in place and that changes were forthcoming. Town Counsel will review drafted amendments to minimize challenges and ambiguity.

A member asked how long the current Cluster Development language had been in place and how many applications had been received in the last year, and what sort of a drop in development this moratorium would represent.

Mr. Jamie Errickson, Town Administrator, answered that the current bylaw was adopted in Fall 2019. Prior to 2019, the town had disparate, individualized cluster bylaws that were more tailored to large areas of over one million square feet; many of these clusters were built from the 1980s through 2019. Since the 2019 adoption, only the four aforementioned applications have been received. The nature of Cluster Developments and the large amount of space required means that the town receives on average one to two.

A member of the public asked why the moratorium was on accepting Cluster Bylaw applications and not a repeal of the Cluster Development section, which is its own zoning bylaw and is not contained in any zoning use tables.

Ms. Loomis responded that the moratorium would preserve the existing applications; while a repeal would immediately terminate the application process and could be legally problematic.

Mr. Errickson said the town placed a similar moratorium on the adult-use cannabis zoning.

The member recalled a developer building a mixed-use building during a gap in time when the town had repealed but not yet replaced mixed-use zoning bylaws. Could this happen if the Cluster Bylaws are not updated before the end of the moratorium?

Mr. Errickson stated that while unfamiliar with the example, the Cluster Development is a special permit process within the subdivision residential use. A moratorium on the special permit applications Cluster Development, not the use, which is residential, is more appropriate. If the Cluster Development section language is not amended by Spring Annual Town Meeting 2023, the town would submit an extension of the moratorium to Town Meeting.

~~ END OF ARTICLE ~~