

## Warrant Article Questionnaire Non-Standard Town Agency Articles

### Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 26	Date Form Completed: 04.03.2023
Article Title: Amend Zoning Bylaw: Open Space Cluster Development	
Sponsor Name: Planning Board	Email: aloomis@natickma.org

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	Please see attachment for full motion.
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	<p>This article increases the minimum parcel size for cluster developments in RS zones; adjusts the mix of dwelling unit sizes in such a development; and modifies the buffer requirement and the approach to determining buildable land and promoting the preservation of coherent preserved open space.</p> <p>It is intended as a clear, succinct, and comprehensive replacement for the cluster bylaw originally passed at the 2020 Fall Town Meeting. It was modified at a subsequent Town Meeting in 2021 at the request of the Attorney General’s office to address certain deficiencies.</p> <p>The cluster zoning bylaw voted in 2020 consolidated five separate cluster development bylaws that had been added to the Zoning Bylaw over several decades. In addition to consolidation, the 2020 bylaw sought to create opportunities for cluster development for parcels smaller than the 15-20 acre minimum parcel size required under prior cluster bylaws.</p> <p>The application of the 2020 bylaw revealed, most notably, that the minimum parcel size was being applied in ways that generated projects that did not meet the expectations of the neighborhood or the community as a whole. The urgency of the situation led the Planning Board to request a moratorium. The moratorium, approved at the 2022 Fall Annual Town Meeting (Article 25) was put into place to allow the Board to review and update Section III-F as follows:</p> <ul style="list-style-type: none"> <li>• Conduct a holistic review of the Residential Cluster Development Bylaw and sections impacted by or impact Section III-F of the Natick Zoning Bylaw.</li> <li>• Conduct a review of the various provisions for affordable housing and the allowed density bonuses.</li> <li>• Identify a method to preserve open space and natural features.</li> <li>• Identify a transparent and efficient process while setting specific procedures and expectations for application submittal and review.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Preparation of a density calculation or submittal of a proof plan that will yield an appropriate number of units in a project. The number of units should be competitive with a conventional subdivision and fits the scale of a neighborhood.</li> <li>• Identify an appropriate density bonus that creates a project that benefits all parties.</li> </ul> <p>Article 26 as presented accomplished the outline above, is consistent the MGL c. 40A, and Natick 2030+</p>																											
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what have been the actions taken by the Finance Committee, other Boards or Committees and Town Meeting?																											
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4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?																											
Response	The existing Section III-F was identified to need a comprehensive review based on the Planning Board receiving four (4) applications, of which only one (1) was able to be permitted. Since 2018, Section III-F has been updated multiple times. Therefore, rather than to continue to review and Section III-F in a piecemeal fashion. The Planning Board agreed to conduct a comprehensive review to revise Section III-F as presented in Article 26.																											

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5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?
Response	Funding is not required for Article 26; rather, it is expected that Article 26, will provide developers with an opportunity to diversify the existing housing stock.
6	Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?  Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?
Response	<p>Article 26 seeks to amend Section III-F moratorium that was adopted at the 2022 Spring Annual Town Meeting (expiration of June 1, 2023) and later amended at the 2022 Fall Annual Town Meeting (expiration of December 1, 2023). Both articles associated with the SATM and FATM were approved by the Attorney General, therefore, granting Natick until December 1, 2023 to review and revise the existing Section III-F.</p> <p>Article 26, as drafted is consistent with MGL c. 40A, Section 1A  <i>"Open space residential development", a residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. The open land may be situated to promote and protect maximum solar access within the development. The open land shall either be conveyed to the city or town and accepted by said city or town for park or open space use, or be made subject to a recorded use restriction enforceable by said city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway."</i></p>
7	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?
Response	<p>Article 26, is consistent with the goals of both Natick 2030+ and the Open Space and Recreation Plan. Despite the open space remaining in private ownership, unless gifted by the developer to the Town or non-profit. The purpose and intention of Article 26 is to preserve land in its natural state, while allowing for a variety of housing options on a cluster area of land.</p> <p>Per Natick 2030+ Master Plan, Chapter 7: Open Space Recreation and Natural Resources, Article 26, is supported by the following:</p>

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	<ul style="list-style-type: none"> <li>• Goal 1: Continue to Support, expand and maintain Natick’s high quality active and passive open spaces <ul style="list-style-type: none"> <li>• R.1.1Continue to pursue protection of privately held open space through acquisition, conservation restrictions, and easements in order to meet the open space needs of the Town as they evolve over time.</li> </ul> </li> </ul>
8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	<ul style="list-style-type: none"> <li>• Natick Planning Board</li> <li>• Community and Economic Development staff</li> <li>• Landowners and parties of interest</li> </ul>
9	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process</li> <li>• Appropriate Town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Legal ad for the opening public hearing, scheduled for March 15, 2023, was published in the Metro West Daily Newspaper on March 1, 2023 and March 8, 2023</li> <li>• Legal mailers were sent to the abutting communities and required parties of interest prior to February 27, 2023</li> <li>• Public hearings for Article 27 was held on March 15, 2023 and March 29, 2023. During the public hearings no comments from the public were made, nor were any written comments received.</li> </ul>
10	Since submitting the article have you identified issues that weren’t initially considered in the development of the proposal?
Response	No issues were identified since the submission of Article 26.
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	The Town has until December 1, 2023, to adopt a new bylaw or amend Section III-F, otherwise, the existing moratorium, which was approved at the 2022 Fall Annual Town Meeting will lapse and allow use of the existing Section III-F.

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