

Amendments shown with ~~struck-through~~ text are to be removed and will be removed prior to publication in Zoning Bylaw upon approval.

***Move to amend the Town of Natick Zoning Bylaw Section 200 (Definitions), § III, and § VI-DD (Special Permit Procedures and Site Plan Review) as follows:***

**MOTION A - Replace current Cluster Development Bylaw with Open Space Residential Development**

***Move to amend the Natick Zoning Bylaw by deleting § III-F Cluster Development Allowed in Certain Districts in its entirety and replacing it with a new § III-F Open Space Residential Development (OSRD), to read as follows:***

**III-F OPEN SPACE RESIDENTIAL DEVELOPMENT**

1. PURPOSE

Open Space Residential Development (OSRD) is an alternative design option for the construction of residential neighborhoods that preserve open space, protect natural resources, diversify Natick’s housing stock, and enhance its aesthetic character. Further, the OSRD advances the goals and policies of Natick’s long range planning documents and the Open Space and Recreation Plan.

2. APPLICABILITY

- a. OSRDs shall be allowed by special permit with site plan review granted by the SPGA;
- b. All of the land must be in an RSA, RSB, or RSC Zoning District;
- c. Land may be a single parcel or contiguous parcels in one ownership throughout or consolidated under a Purchase and Sale Agreement having a total gross land area equal to:
  - Four (4) acres or more in the RSA district and RSC district, with a minimum of three (3) acres of Preliminary Area as defined in § V-4.d, and defined as a conforming lot per § IV.B Intensity Regulations by Zoning District; or
  - Five (5) acres or more in the RSB district, with a minimum of four (4) acres of Preliminary Area as defined in § V-4.d, and defined as a conforming lot per § IV.B Intensity Regulations by Zoning District.

3. STRUCTURE TYPES AND LOT DESIGN

- a. Applicants are encouraged to include a mixture of building types, sizes, and styles within an OSRD to diversify the housing stock within Natick. Such a mixture may include Single-Family Dwellings, Two-Family Dwellings, Town Houses, and Cottage Dwellings and may be incorporated within the OSRD Special Permit.
- b. Residential units may range in size, but no more than twenty five (25) percent of units shall exceed twenty two hundred (2,200) square feet. Such unit size shall include the footprints of the first and second story (minus porches, decks, and balconies), plus garage space.
- c. Units may be placed on a common lot or on individual lots.

4. DETERMINATION OF RESIDENTIAL UNITS

- a. The unit density of an OSRD shall be determined based on a calculation derived from a land survey prepared and stamped by a professional land surveyor or engineer licensed in the Commonwealth of Massachusetts, which will be referred to herein as a Plan of Land.
- b. The Plan of Land shall show the existing conditions of the entire parcel of the proposed OSRD, including property boundaries; site topography at 2-foot contour intervals; physical features such as buildings, stone walls, historic features, and trees over 8 inch caliper; the locations and widths of any existing curb cuts; areas of travel such as driveways, parking areas, sidewalks, and paths; delineated wetland resource areas and vernal pools and associated buffer zones; and any easements or recorded restrictions.
- c. Accompanying the Plan of Land shall be a table prepared by and stamped by a professional land surveyor or engineer licensed in the Commonwealth of Massachusetts, that shows in square feet: total land area, delineated Wetland Resource Areas [except Riverfront Area], total flood plain area defined by the Federal Emergency Management Agency (FEMA) as Zone A or AE, vernal pool area with associated buffer, Non-Buildable Easement areas, Recorded Restriction areas, and priority habitat area of rare and endangered species.
- d. The calculation for the number of units is as follows:

Step 1: Total Land Area less the following:

- Delineated Wetland Resource Areas as defined by the Natick Conservation Commission [except Riverfront Area] and all areas defined by FEMA as Zone A or AE (1 percent Annual Chance of Flooding with or without Base Flood Elevation (BFE))
- Vernal Pool Area with associated buffer zone as defined by the Natick Wetlands Protection Bylaw, including on-site buffer zone associated with Vernal Pool Area that may be located on adjacent off-site parcels.
- Non-Buildable Easement Area
- Recorded Restriction Area
- Priority or Estimated Habitat Area of Rare or Endangered Species
- Foot prints of structures that will remain as part of the OSRD

The resulting net area will be considered the **Preliminary Area**.

Step 2: Preliminary Area less fifteen (15) percent for roads and infrastructure shall be considered the **Developable Area**.

Step 3: The Developable Area divided by fifty (50) percent of the Minimum Lot area of the underlying zoning district shall yield the maximum **Number of Units** that can be proposed for an OSRD.

5. PERMITTING PROCEDURE

OSRDs will be reviewed under a two-part review process.

- a. Conservation Commission

The Applicant shall seek an Order of Resource Area Delineation from the Conservation Commission for the entire parcel of the proposed OSRD or shall submit a statement prepared and signed by a registered professional engineer or wetland scientist stating that no such resources areas exist on the parcel. If required, the applicant shall also seek a Stormwater Management Permit from the Conservation Commission.

- b. Planning Board  
The Planning Board shall review an OSRD project in accordance with the provisions of § VI-DD of this By-Law (Special Permit Procedures and Site Plan Review). The Planning Board shall adopt additional application requirements, review and approval procedures, and design guidelines to effectuate the implementation of this section of the By-Law.

6. DIMENSIONAL REGULATIONS

- a. Individual lots within an OSRD Project shall be a minimum of five-thousand (5,000) square feet in area.
- b. Proposed structures, driveways, and roadways shall be located a minimum of fifteen (15) feet in the RSA and RSC and twenty-five (25) feet from the OSRD Project property line.
- c. Structures shall not exceed thirty-five (35) in height.
- d. Structures shall be set back a minimum of fifteen (15) feet from a street or sidewalk within an OSRD Project, and twenty-five (25) feet from a public or private roadway or sidewalk.
- e. Buildings on a common lot shall have a minimum separation of fifteen (15) feet
- f. Each dwelling unit on a common lot shall have exclusive access to an outdoor area of at least five hundred (500) square feet, which area can be a yard, patio, deck, or combination thereof.
- g. An adjoining wall of an attached dwelling or adjacent dwelling units may coincide with an internal lot line (so-called “zero lot line”). Where such design is utilized, the lot area of such lots may be twenty-five (25) percent of the area allowed in the respective zoning district with the remainder of the space as open space or common area, however, such lot area allowance shall not alter or affect the calculation of the number of allowable units within the proposed OSRD.

7. OFF-STREET PARKING

- a. A minimum of one exterior parking space per residential unit shall be provided.
- b. A minimum of one parking space per every three dwelling units shall be provided for visitor parking. Unless the SPGA finds that internal roadways can manage on-street parking to satisfy such visitor parking requirement.

8. OPEN SPACE AND PRESERVATION

- a. Preserved Open Space  
A minimum of thirty-five (35) percent of the Preliminary Area, shall be set aside as Preserved Open Space with seventy-five (75) percent of such area being contiguous upland area. The Preserved Open Space can be connected and/or located on two sides of a non-buildable easement. Such area shall be permanently protected, and to the extent feasible, meet the conservation goals of Natick’s long range plans and the Town’s Open Space and Recreation Plan, as amended.
- b. Preservation Requirements  
Each OSRD Project is expected to preserve and maintain natural features, native trees over eight (8) inches in diameter, habitat areas, and sloped areas. Where possible, development should be sited to preserve and maintain mature native trees and the critical root zone. Meadow and field maintenance and/or trail construction and maintenance may be required through a Homeowners Association or Trust.
- c. Open Space Restriction  
The entire Preserved Open Space area shall be placed under a Conservation Restriction

(CR), Agricultural Preservation Restriction (APR), or acceptable deed restriction, which shall protect the Preserved Open Space in perpetuity. Such restriction shall be drafted, approved, and recorded prior to the issuance of the first occupancy permit at the expense of the Applicant. The Applicant may opt to gift the Town or local non-profit the Preserved Open Space.

9. INCLUSIONARY HOUSING

An OSRD shall comply with § V-J. for the creation of affordable units.

10. WAIVERS

The Planning Board may waive strict compliance with provisions of this § III-F, by a four-fifths (4/5) vote if it is found that the granting of such a waiver will benefit the neighborhood in which the OSRD is located; result in the preservation or enhancement of the natural environment; or yield a superior design in terms of location of building sites, alignment of roadways and driveways, layout and location of parking, pedestrian and bicycle access and circulation, location of open space and recreational facilities, and other related and similar considerations.

**MOTION B – Insert, revise and delete definitions**

***Move to Amend Section 200 – Definitions as follows:***

***Move to insert immediately after the definition for Affordable Dwelling Units the following:***

**Agricultural Preservation Restriction (APR):** A restriction and agreement in perpetuity with owners of an Open Space Residential Development (OSRD), in accordance with M.G.L. c. 184, § 31. An APR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Agricultural Resources, a town conservation commission and/or a land trust. Owners of an OSRD may voluntarily enter into these agreements by selling the APR for a negotiated price based on the appraised value of the restriction.

***Move to insert immediately after the definition for Commercial Parking Lot the following:***

**Conservation Restriction (CR):** A restriction and agreement in perpetuity for the protection of open space, in accordance with M.G.L. c. 184, § 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Natick Conservation Commission and/or a land trust.

***Move to insert immediately after the definition for Dwelling:***

**Dwelling, Cottage:** A building containing one (1) single-family dwelling unit that does not exceed a total of 1,800sf of habitable space, plus the garages, decks, porches, and balconies.

***Move to insert immediately after the definition for Open Space Public Benefit Amenity:***

**Open Space Residential Development (OSRD):** as defined by MGL, c. 40A, Section 1A

***Move to delete the following definitions:***

Cottage, Small Single Family  
Development Area  
Preserved Open Space  
Preserved Open Space

**MOTION C – Delete obsolete cluster zoning district language from Special Permit Procedures and Site Plan Review list and Use Schedule**

**Move to amend the Natick Zoning Bylaw § VI-DD.2.A.a.1, by deleting the following obsolete categories from the list of Special Permit Granting Authority designations:**

- Town House Cluster Development – RSA
- Single Family Town House Cluster Development – RSB
- Single Family Town House Cluster Development – RSC

**and adding a new line immediately after “Highway Planned Use” the following:**

- Open Space Residential Development (OSRD)

*to read (in part) as follows*

2. A. Special Permits

- a. Special Permit Granting Authority. As designated in this By-Law, the Board of Appeals or the Planning Board shall act as the Special Permit Granting Authority (SPGA) for hearing and deciding all matters pertaining to Special Permits and for issuance of such Special Permits. The specific assignments are listed below.
  - 1. The Planning Board shall act as the SPGA in the following Districts:
    - Highway Mixed Use - I
    - Highway Mixed Use II
    - Highway Mixed Use III
    - Highway Planned Use
    - Open Space Residential Development (OSRD)**

**Move to amend the Natick Zoning Bylaw § VI-DD.2.B.A) by deleting the following obsolete categories from the list of Site Plan Review and SPGA Designation districts administered by the Planning Board:**

- SPGA Town House Cluster Development – RSA
- Single Family Town House Cluster Development – RSB
- Single Family Town House Cluster Development – RSC

**and adding a new line immediately after Highway Planned Use the following:**

- Open Space Residential Development (OSRD)

*to read (in part) as follows*

2.B Site Plan Review Applicability and SPGA Designation

- a) All uses, other than Uses Nos. 1, 3, 5, 8, 9, 17, 18, 46, 47 and 48, permitted or allowed in the following Zoning districts, shall be subject to the Site Plan Review Procedure described herein, to be administered by the Planning Board, acting as the SPGA:
  - Highway Mixed Use - I
  - Highway Mixed Use - II
  - Highway Mixed Use - III
  - Highway Planned Use
  - Open Space Residential Development (OSRD)**

**Move to delete § III-A.2(a) Residential Cluster Regulation Schedule in its entirety**

**III A.2(a) RESIDENTIAL CLUSTER REGULATION SCHEDULE**

ZONING DISTRICT:	Minimum Lot Area	Min. Contiguous Frontage	Minimum Lot-Depth	Min. Front Setback	Min. Side Setbacks	Min. Rear Setback	Maximum Lot Coverage	Max. Building Height	Minimum Open Space
Single Residence A (RSA)	15,000 sf	110 feet	125 feet	30 feet	12 feet	25 feet	25%	2.5 stories/35 feet	None
RS A CLUSTER OPTION	Single family homes (SFH), town houses (TH) and small single family cottages (SFC) may be constructed in Cluster Developments in the RS A District on contiguous parcels measuring at least two (2) acres through Site Plan Review Procedures from the Planning Board outlined in Section VI-DD.2(B). At least 50% of the total site area must be Protected Open Space. The following dimensional requirements apply to lots with structures developed in RS A Clusters. These can be reduced up to 15% by the Planning Board to account for unique site conditions as long as all parcels meet the egress, accessibility and off-street parking requirements of this by law. In RS A clusters, two (2) single family cottages (SFC) may be developed in the place of a single family dwelling (SFD).								
RS A Cluster Dimensional Requirements:	33% of regular std. <b>5,000 sf</b>	60% of regular std. <b>66 feet</b>	60% of regular std. <b>75 feet</b>	60% of regular std. <b>18 feet</b>	60% of regular std. <b>7 feet</b>	60% of regular std. <b>15 feet</b>	120% of regular std. <b>30%</b>	<b>2.5 stories /-35 feet</b>	<b>None</b>
Single Residence B (RSB)	40,000 sf	140 feet	150 feet	40 feet	20 feet	40 feet	20%	2.5 stories/35	None
RS B CLUSTER OPTION	Single family homes (SFH), town houses (TH) and small single family cottages (SFC) may be constructed on Cluster Developments in the RS B District on contiguous parcels measuring at least two (2) acres through Site Plan Review Procedures from the Planning Board outlined in Section VI-DD.2(B). At least 50% of the total site area must be Protected Open Space. The following dimensional requirements apply to lots with structures developed in RS B Clusters. These can be reduced up to 15% by the Planning Board to account for unique site conditions as long as all parcels meet the egress, accessibility and off-street parking requirements of this by law. In RS B clusters, three (3) single family cottages (SFC) may be developed in the place of a single family dwelling (SFD).								
RS B Cluster Dimensional Requirements:	30% of regular std. <b>12,000 sf</b>	60% of regular std. <b>84 feet</b>	60% of regular std. <b>90 feet</b>	60% of regular std. <b>24 feet</b>	60% of regular std. <b>12 feet</b>	60% of regular std. <b>24 feet</b>	125% of regular std. <b>25%</b>	<b>2.5 stories /-35 feet</b>	<b>None</b>
Single Residence C (RSC)	20,000 sf	120 feet	125 feet	30 feet	12 feet	25 feet	20%	2.5 stories /-35 feet	None
RS C CLUSTER OPTION	Single family homes (SFH), town houses (TH) and small single family cottages (SFC) may be constructed on Cluster Developments in the RS C District on contiguous parcels measuring two (2) acres through Site Plan Review Procedures from the Planning Board outlined in Section VI-DD.2(B). At least 50% of the total site area must be Protected Open Space. The following dimensional requirements apply to lots with structures developed in RS C Clusters. These can be reduced up to 15% by the Planning Board to account for unique site conditions as long as all parcels meet the egress, accessibility and off-street parking requirements of this by law. In RS C clusters, two (2) single family cottages (SFC) may be developed in the place of a single family dwelling (SFD).								
RS C Cluster Dimensional Requirements:	30% of regular std. <b>6,000 sf</b>	60% of regular std. <b>72 feet</b>	60% of regular std. <b>75 feet</b>	60% of regular std. <b>18 feet</b>	60% of regular std. <b>7 feet</b>	60% of regular std. <b>15 feet</b>	150% of regular std. <b>30%</b>	<b>2.5 stories /-35 feet</b>	<b>None</b>