

ARTICLE I - ZONING BYLAW IN GENERAL

Section 100 - PURPOSE AND AUTHORIZATION

In order to preserve and to promote the life, health, safety, morals, convenience and welfare of the townspeople, to lessen the danger from fire, to improve and beautify the Town, to protect real estate from damaging uses of adjacent property and to further the social and economic prosperity of the community, the following regulations for the use of premises and the construction, location and use of buildings and structures are hereby established under authority of the Massachusetts General Laws relating thereto, Chapter 40A and subsequent amendments.

Section 101 - BASIC REQUIREMENTS

All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved or all future use of premises in the Town of Natick shall be in conformity with the provisions of this Bylaw. Any building, structure or land shall not be used for any purpose or in any manner than is permitted in the district in which such building, structure or land is located. Any use not specifically listed or otherwise permitted in a district herein established shall be deemed prohibited except family fallout shelters as defined in Section 0.2 of the Building Code. * In accordance with Massachusetts General Laws, Chapter 40A, and notwithstanding any provision to the contrary, this bylaw shall not prohibit or limit use of land for any church or other religious purpose or for any educational purpose which is religious, sectarian, denominational or public. However, such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot areas, setbacks, open space, and parking and building coverage requirements. (*Art. 68 A.T.M. 1963)

Section 102 - PARTICULAR PURPOSES AND INTENT REGARDING P.C.D.* DISTRICTS

Within the purposes expressed in Section 100, the particular intent of this Bylaw relating to the P.C.D. District is to provide for planned developments on large tracts of land, to be comprised of a mixture of types of dwelling units (with minor related business uses) at greater land-use intensities than would otherwise be allowed for multi-family residences, but with larger open spaces between groupings of buildings. It is specified that only land areas containing 4,500,000 square feet or more shall be included or in the P.C.D. District. (Art. 1 S.T.M. #2, 10/10/00)

*Planned Cluster Development

A P.C.D. District should result in: design of clustered subareas of buildings in accordance with an overall plan for the District: economical and efficient street, utility and public facility installation, construction and maintenance; separation of pedestrian and vehicular traffic; a variety of dwelling types and characteristics; preservation of permanent open space; land use harmonious with natural features; the preservation and enhancement of real property

values for the long-range future; reduction in total areas of paved surfaces; an increase in the safety of pedestrian circulation and access; and increase in privacy for many dwelling units by removal thereof from streets or frontage thereon, with benefits to such units of separation from vehicular disturbance and closer proximity to landscaped and recreational areas.

Regarding vehicular ways, in a P.C.D. District only belt (collector) street shall be designed or constructed so as to be suitable for eventual acceptance by the Town. Radial ways or drives leading from such belt streets to clustered dwelling units or parking lots shall be considered as driveways for purposes of design or construction requirements. For improved traffic safety, pedestrian ways shall generally not be part of the street ways.

In a P.C.D. District it is expected that the owner will provide to the occupants thereof, certain services customarily provided by the Town in other districts, and the overall design, location of buildings and layout of streets and driveways shall take this factor into account.

This Section 102 is set forth as a guide to various boards and officers of the Town concerned with the design, construction and operation of such planned developments. It is intended that conventional zoning requirements and procedures (applicable in other districts to smaller lots in individual ownership, fronting on streets suitable for acceptance as public ways and meeting uniform dimensional and area requirements) will be suitably altered in P.C.D. Districts to give effect to sound development principles as reflected in the specific provisions of this Bylaw relating to such Districts. (Art. 1 S.T.M. June 17, 1969) (Art. 1 S.T.M. #2, 10/10/00)

Section 103 -- ~~Reserved~~ **PURPOSE OF SUBSIDIZED HOUSING (SH) DISTRICT**

~~The intent of this Bylaw relating to the SH District is to result in the availability of sufficient land to accommodate dwelling units for people of low and moderate income so as to increase the number of dwelling units of subsidized housing in the Town to a total which meets the requirements of Chapter 40B, Sections 2023, General Laws. The special permit procedure hereinafter established is intended to accomplish this objective while ensuring compliance with local planning standards and policies concerned with land use and building requirements, and with the health, safety and welfare of residents of the Town of Natick. (Art. 83 A.T.M. 1973)~~

Section 104 - **PURPOSE OF HIGHWAY MIXED USE-I (HM-I) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM-I Districts is to provide for large-scale development which may have an intermixture of office, industrial and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways. (Art. 1 S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 105 - **PURPOSE OF HIGHWAY MIXED USE -II (HM-II) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM-II Districts is to provide for large-scale development which may have an intermixture of office, residential and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways. (Art. 3, S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 106 - **PURPOSE OF HIGHWAY MIXED USE-III (HM-III) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM-III Districts is to provide for large-scale development which may have a mixture of office and/or commercial uses with the flexibility for creative land planning on large parcels of land near major highways. (Art. 1, Fall Session, A.T.M., October 6, 1981) (Art. 10, 1991 Fall A.T.M.) (Art. 1 S.T.M. #2, 10/10/00)

Section 107 - **PURPOSE OF LIMITED COMMERCIAL (LC) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to LC Districts is to provide a transition from a more intensive commercial or industrial usage toward a residentially zoned area; specifically, those areas where it is desirable to lessen traffic flow on through roads, and where less intensive uses would serve both to provide balance in land use and to prevent damage to the residential uses on adjacent or nearby property. (Art. 6, S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 108 - **PURPOSE OF AFFORDABLE HOUSING DEVELOPMENT PROGRAM**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to the elective inclusionary zoning in all residential districts and the Housing Overlay Option Plan – I & II (HOOP – I and HOOP – II) districts is to increase the production of housing units affordable to persons of low and moderate income. Affordable housing may be created by employing the incentives offered under these overlay zoning districts which is intended to encourage utilization of the Town's remaining developable land in a manner consistent with local housing policies and needs, to encourage redevelopment of land and buildings in urban centers consistent with smart growth principles and to mandate new housing developments to contain a proportion of the housing units affordable to persons of low and moderate income by offering bonuses of increased density to encourage the creation of such housing. Accordingly, the goals of this development program are to: increase the supply of housing in the Town that is available to and affordable by low and moderate income households; to encourage a greater diversity of housing accommodations to meet the needs of family households and other Town residents; and to promote a reasonable mix and distribution of housing opportunities in residential

neighborhoods throughout the Town. (Art. 10, 1991 Fall A.T.M.) (Art. 1 S.T.M. #2, 10/10/00) (Art. 27, 2004 Spring A.T.M.)

Section 109 - **PURPOSE AND INTENT OF HIGHWAY OVERLAY DISTRICTS (HOD)**

The purpose of the Highway Overlay Districts is to manage the intensity of development and the quality of design along major highway corridors so as to protect the public health, welfare and safety of the inhabitants of the Town, and to enhance the economic - vitality of the Districts. In particular, the HOD Districts are designed to limit congestion, to preserve environmental qualities, to improve pedestrian and vehicular circulation, and to provide for mitigation of any adverse impacts resulting from increased development in a complex regional center, and in the corridor leading thereto. In addition to these purposes, the open space and landscaping provisions of this section are designed to foster development that is of high visual and aesthetic quality. Furthermore, it is a specific purpose of the HOD to establish parallel and consistent zoning regulations for highway corridor areas which are shared by the Towns of Framingham and Natick, in order to achieve a unified development character for such areas and to avoid substantive and procedural conflicts in the regulation and administration of land uses within such areas. The HOD regulations establish a system whereby a development may attain a greater density than allowed by right, in return for providing public benefit amenities which compensate for one or more specific effects of increased density. These amenities may include traffic improvements (to accommodate increased traffic), pedestrian or transit improvements (to reduce traffic generation), creation of additional open space and public parks (to compensate for increased congestion and concentration of economic activities), provision of public assembly areas (to foster more balanced development and a sense of community), and provision of affordable housing (to compensate for increased pressure on local housing markets as a result of employment and service growth). The provision of increased development density in return for such amenities is specifically authorized by MGL Ch. 40A, Sec. 9, with respect to open space, affordable housing, traffic and pedestrian amenities, and is also generally authorized for other amenities.

ARTICLE I - ZONING BYLAW IN GENERAL

Section 200 - DEFINITIONS

In these bylaws the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed and, in addition, the definitions set out in the Building Code shall have their meanings as defined therein insofar as they may apply to these by laws and the following definitions are hereby added thereto:

Accessory Building or Structure: A building the use of which is subordinate and customarily incidental to that of the main building, and which is located on the same lot. *

Accessory Use: A use of a building or land customarily incidental and subordinate to the principal permitted use of the premises and not detrimental to the neighborhood, provided the outward character of the district is not changed, but in no event to include a business, commercial, industrial, transportation or institutional use as being incidental to a residential use. *

Accessory Wireless Communications Facility (AWCF):

A WCF located on the same lot and customary and incidental to a use permitted as of right, by Special Permit, by variance, or as a pre-existing non-conforming use, including without limitation, any home mounted wireless transmission/reception box and any fixtures and equipment customary and incidental to a private business exchange also known as a "PBX Wireless Campus".◇

Adult Use: An establishment: (1) having at least fifteen (15%) percent of its business inventory, stock in trade or other materials for sale, rental or display at any point in time, or deriving at least fifteen (15%) percent of its revenues from, or presenting for at least fifteen (15%) percent of the time the establishment is open for business, materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L. chapter 272, section 31, such as but not limited to an adult bookstore, adult motion picture theater, adult paraphernalia store or adult video store; and/or (2) which displays live nudity, i.e. an establishment which provides live entertainment for its patrons, which includes the display of nudity either by workers in the course of transacting business or delivering services, or wherein performers appear in a state of nudity as that term is defined in M.G.L. chapter 272, section 31.▷

Adult Bookstore: An establishment having at least fifteen (15%) percent of its business inventory, stock in trade, books, magazines, or other materials for sale, rental or display at any point in time; which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31.▷

Adult Motion Picture Theater: An enclosed building used for presenting motion pictures, slides, photo displays, videos or other material for viewing, distinguished by an emphasis on matter depicting, describing, or relating to

sexual conduct or sexual excitement as defined in M.G.L., chapter 272, section 31. ›

Adult Paraphernalia Store: An establishment having at least fifteen (15%) percent of its business inventory or stock in trade as devices, objects, tools or toys or other materials for sale, rental or display at any point in time; which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31. ›

Adult Video Store: An establishment having at least fifteen (15%) percent of its business inventory or stock in trade as videos, movies, or other film materials for sale, rental or display at any point in time; which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31. ›

Affordable Housing: Housing which is permanently restricted, by deed or otherwise, for sale, lease or rental and which qualifies for inclusion in the Town's Subsidized Housing Inventory (SHI) as defined in 760 CMR 56, or, housing which meets the criteria for recognition as Affordable Housing Units under a Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development and which meets the criteria noted above. The required number of Affordable Housing Units calculated under any applicable Section of this By-Law that includes the term(s) "a minimum" or "at least" shall be rounded to the next highest whole number. (Art. 52 Fall A.T.M. 10/17/17)

Affordable Housing Standard: One or more buildings in which there are units designated as Affordable Housing and where the affordable units are located on the same parcel as a Regional Center Mixed-Use Development, they shall equal sixteen percent (16%) of the total number of units on the parcel or, if the applicant elects and the Planning Board grants a special permit therefor under Section 323.1.9 (a) where the number of the affordable units are not located on the same parcel as a Regional Center Mixed-Use Development, they shall be not less than twenty-two percent (22%) of the total number of units on the parcel devoted to a Regional Center Mixed-Use Development or (b) such combination of affordable units located in part on the same parcel as the Regional Center Mixed-Use Development and in part on another parcel as the Planning Board may authorize under the terms of such special permit. For purposes of the foregoing calculations, if such percentage yields a partial unit, then the number of units required to achieve the affordable housing standard shall be rounded up to next whole number. (Art. 1, Fall STM. #1, 10/18/05)

Affordable Dwelling Units: Dwelling units which meet all the requirements of Affordable Housing. Also referred to as Affordable Units. The required number of Affordable Housing Units calculated under any applicable Section of this By-Law that includes the term(s) "a minimum" or "at least" shall be rounded to the next highest whole number. (Art. 52 Fall A.T.M. 10/17/17) (Art. 32 Fall TM, 10/16/18)

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. (Art. 26, Spring ATM, 05/02/2023)

Alteration: Change in or addition to a building which reduces the means of exit or fire resistance or changes its structural support, use or occupancy. *

Amusement Device: A device by which individuals are entertained; or a structure open to the public, by which individuals are conveyed or moved for diversion. *

Ancillary Outlet: An enclosed area, the principle purpose of which is to sell or serve food and / or goods which are prepared or made on the site. An Ancillary Outlet shall occupy no more than 10% of the area of the story in which it is located or 500 square feet, whichever is less. The Ancillary Outlet shall be operated in such a manner that noise, smoke, dust, odor, vibration, or similar objectionable features are confined to the premises. (Art. 28, Spring Town Meeting, 4/14/15)

Ancillary Outlet Setback: The shortest distance from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access. (Art. 28, Spring Town Meeting, 4/14/15)

Apartment: A part of a building set apart which is used or adapted to be used exclusively for the residence of one family, single dwelling unit. *

Apartment House: Any building designated for, or occupied as a permanent (as distinguished from hotels, motels and boarding houses) residence for three or more families in separate dwelling units with means of egress and other essential facilities. *

Apartment House-Garden Type: An apartment house of one or two stories above grade, with not more than eight (8) apartments all served by two (2) separated and direct means of egress from the building, at least one of which shall be a primary entrance. *

Appurtenant Structure: A device or structure attached to the exterior or erected on the roof of a building designed to support service equipment or used in connection therewith, or other similar uses. *

Area, Building: The maximum horizontally projected areas of the building at or above grade, exclusive of court and vent shafts. *

Assisted Housing: ~~Housing as defined under Subsidized Housing. (Art. 10, 1991 Fall A.T.M.)~~

Assisted Living Residence(s): A residential facility providing residents with personal care services (assistance with one or more activities of daily living and self-administered medication management, either through physical support or supervision), assistance with activities of daily living (tasks related

to bathing, dressing, grooming, ambulation, eating, toileting, and similar tasks), and such services as may be necessary to meet the needs of seniors and the elderly, and as may be specified pursuant to the Commonwealth of Massachusetts' Assisted Living Residence regulations (651CMR 12). (Art. 44, A.T.M., 04/27/10)

Attic: The space between the ceiling beams of the top habitable story and the roof rafters (see HABITABLE ATTIC). *

Basement: A portion of a building (not a story) partially underground, but having not less than half its clear height measured from floor to finished ceiling above the average grade of the adjoining ground (see CELLAR). *

Basic Code: The State Building Code of the Commonwealth of Massachusetts, also referred to as the "Building Code" or the "Code".

Boarding House/Tourist Home/Lodging House: A building containing from two (2) to six (6) sleeping rooms and arranged or used for lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals. *

Body Art: The practice of physical body adornment by body piercing, tattooing, cosmetic tattooing, branding and/or scarification. This definition shall not be deemed to include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine and shall not include piercing of the earlobe. (Art. 37, Spring A.T.M., 4/24/01)

Body Art Establishment: An establishment where the practices of Body Art are conducted. (Art. 37, Spring A.T.M., 4/24/01)

Bonus: The construction of floor area in excess of that permitted as of right by the applicable FAR maximum. ~

Bonus Project: A project for which the applicant is seeking any one (1) or more of the bonuses provided for in this bylaw. ~

Buildable Land: A parcel or parcels of property developable for the equivalent number of affordable units for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw. The parcel(s) must be developable for this purpose under existing zoning and subdivision regulations without variances or waivers of any kind, including those from other bodies having regulatory authority over the development of any portion unless such variances or waivers have already been obtained. (Art. 32 Fall TM, 10/16/18)

Building: A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof or cover, to form a structure for the shelter, housing or enclosure of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof". (see also STRUCTURE).*

Building Line: The line established by these bylaws beyond which a building shall not extend, except as specifically provided by law. *

Building Lot: That area of land described and recorded as such in the Registry of Deeds on a site plan in an application for a building permit or an application to a Permit or Special Permit Granting Authority for a variance or a permit, respectively; or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted. A building lot shall not include any part of a street, nor shall a lot be considered to be a building lot if its use is otherwise not allowed under this Zoning bylaw.*

Building-Mounted Wireless Communications Facility (BMWCF): Any out-of-doors WCF mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks, church steeples, and the like) occupied and/or used primarily for other purposes.◇

Corporate Campus Parcel, Small: A single parcel or multiple parcels in common ownership or agreement that is eighty thousand (80,000) to two hundred thousand (200,000) sf of land located within the Highway Mixed-use – I (HM-I) Zoning District. (Art. 28, Spring ATM, 05/02/2023)

Corporate Campus Parcel, Large: A single parcel or multiple parcels in common ownership or agreement that is more than two hundred thousand (200,000) sf of land located within the Highway Mixed-use – I (HM-I) Zoning District. (Art. 28, Spring ATM, 05/02/2023)

Cellar: The portion of the building partially underground, having half or more than half of its clear height below the grade plane or the mean finished grade of the ground adjoining the external walls of the building. *

Central-Type Apartment House: An apartment house of more than one level with more than eight (8) apartments, each such apartment house providing at least one (1) major stairway and not less than two (2) separate and direct means of egress from the building. (Art. 4 S.T.M. #3, 1976)

Certificate Of Use And Occupancy: The Certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit. *

Change In Use: An alteration by change in part or all of an existing structure from one use category or purpose to another use category or purpose, as those uses are listed in the Schedule of Uses, Section III-A.2*

Child Care Facility: A child care center or school age child care program as those terms are defined in G.L. c 15D, §1A (Art. 3, S.T.M #1, 5/9/17)

Cluster: The area circumscribed by a line connecting exterior points of outer building walls of the dwelling buildings contained within a single group of buildings. *

Commercial Boarding or Training Dog Kennel: An establishment, other than a Home Occupation/Customary Home Occupation Dog Kennel as defined herein, used for boarding, holding, day care, overnight stays or training of dogs that are not on the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the

absence of the owner of any such dog; provided, that "commercial boarding or training dog kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Law section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for dogs owned by others. (Art. 27, Spring T.M. 4/9/19)

Commercial Breeder Dog Kennel: An establishment, other than a Personal Dog Kennel or Home Occupation/Customary Home Occupation Dog Kennel as defined herein, engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers or pet shops in return for consideration. (Art. 27, Spring T.M 4/9/19)

Commercial Parking Lot: A lot used for the storage or parking of passenger vehicles or buses with no provision for operations incidental to the servicing of such vehicles. *

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. (Art. 26, Spring ATM, 05/02/2023)

Corner Lot: Any building lot abutting on two (2) or more streets at their intersection.*

Court: An uncovered, unoccupied space enclosed by the walls of a building or buildings on all sides, or one so enclosed on three sides, and whose depth opposite any clear opening into a yard or street exceeds one-half the width of such opening. *

Covered Open-air Front Porch: For purposes of paragraph 9 of Section IV-A, a first-floor, ground level single-story covered structure attached to the front exterior of a principal residential structure, no portion of which may extend beyond the side walls of the front of such principal residential structure, which has direct access to street level, and which the building inspector determines, following review of adequate plans, complies with the following additional requirements:

Exterior Materials: The exterior materials shall be consistent or complementary in color, texture, and quality with those visible at the front of the principal residential structure, and otherwise consistent or complementary to neighboring structures and neighborhood character.

Base: The base (from grade to deck level) shall not be solid, but shall be screened by lattice with openings no larger than two inches by two inches.

Roof: The roof shall be properly scaled and proportioned to the roof and architecture of the principal residential structure, have no less than a 3/12 slope, shall be attached to the front building wall of the principal residential structure. No second floor balcony, deck or enclosed construction of any kind shall be permitted above the roof.

(Art. 39, Spring A.T.M., 4/8/08)

Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, fabrication, assembly, and packaging of ideas, concepts, theories or parts as intermediate production materials for further processing or as consumer goods for sale.

(Art. 30, Fall TM 10/15/19)

Curb-Cut Closure: the closing of a Curb-Cut onto a double lane public way (Art. 1, S.T.M. #2, 12/3/02)

Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven (7) years of age or under sixteen years of age if such children have special needs for non-residential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system unless the services of such system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by section nine (9) of Chapter 28A of the Mass. Gen. Laws, as amended; an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.*

Divider Island: A landscaped element running in a direction parallel to a vehicular travel lane, used to separate parallel rows of parking spaces. ~

Dormitory: A space in a dwelling unit where group sleeping accommodations are provided, with or without meals, for persons not members of the same family group, in one room, or in a series of closely associated rooms under joint occupancy and single management, as in school or college dormitories, fraternity houses, military barracks and ski lodges. *

Dwelling: Any building used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, whether mounted or not. *

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. (Art. 26, Spring ATM, 05/02/2023)

Dwelling, Multi-Family: A residential building (such as apartment houses and town houses) designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. *

Dwelling, One Family Or Single Family: A building containing one (1) dwelling unit with not more than four (4) lodgers or boarders (not including a mobile home)*

Dwelling, Two Family: A building containing two (2) dwelling units with not more than four (4) lodgers or boarders per family, but not more than twenty (20) individuals. *

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Elderly Family Residences: Dwelling unit(s) intended for, and solely occupied a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides. (Art. 11, S.T.M #2, 11/1/16)

Eligible Household: A household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. (Art. 32, Fall TM, 10/16/18)

Enclosed Pedestrian Access: A physical connection between buildings on the same or adjoining lots which provides pedestrian access between such buildings, which is fully enclosed from the elements and along substantial portions of which there is occupiable space devoted to retail, restaurant or personal service establishments. (Art. 1, Fall STM #1, 10/18/05)

Establishments which display live nudity: Any establishment which provides live entertainment for its patrons, which includes the display of nudity either by workers in the course of transacting business or delivering services, or wherein performers appear in a state of nudity, as that term is defined in M.G.L. chapter 272, section 31. ›

Excess Pervious Landscaping: Pervious landscaping exclusive of wetlands, as defined herein, in excess of the amount required by the applicable Landscape Surface Ratio (LSR). ~

Family: Any number of persons living as a single housekeeping unit. *

Family Suite – An accessory dwelling unit, in a primary single family dwelling, for occupancy by a resident who is related by blood, marriage or adoption to the owner of the primary dwelling. (Art. 3, S.T.M. #2, 12/03/02)

Fee-in-lieu-of units: The fee paid to the Natick Affordable Housing Trust in lieu of the construction or provision of affordable units in Residential Projects, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project. (Art. 32, Fall TM, 10/16/18)

First Floor: The lowest floor above the level of the mean finished grade of the ground adjoining all external walls of a building and above the mean established grade of that part of any street on which the front of the building abuts. *

Floor Area Ratio (FAR): The ratio between the gross floor area of all buildings on a parcel, including accessory buildings, and the total area of the parcel. ~

Free-Standing, Wireless Communications Facility (FSWCF): Any out-of-doors WCF mounted on the ground or erected on, or supported by, any free-standing monopole structure. ◇

Front Yard: A yard across the whole width of a lot between the front line of the building or buildings thereon and the front line of the lot. *

Frontage: The linear extent of the front of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot. *

Fur Animals: Animals usually kept and raised for the use and sale of their skins and fur.

Galley Kitchen: A Kitchen so configured as to accommodate the storage and preparation of food and meals, but not to accommodate the seating of more than two persons. Such kitchen shall have an area of not less than 50 square feet. (Art. 3, S.T.M. #2, 12/03/02)

Garage: Any building or structure or part thereof wherein a motor vehicle containing a volatile inflammable medium is kept or repaired. *

Garage, Community: A group of attached private garages. *

Garage, Private: Covered space for the housing of four (4) or less motor vehicles; including no more than one (1) commercial vehicle which does not exceed two-and-one-half (2-1/2) tons gross weight; or two (2) or three (3) passenger vehicles plus no more than one (1) such commercial vehicle; with no provision for repairing or servicing such vehicles for profit, and not for rental or for commercial storage. *

Garage, Public: A building or structure for the storage or parking of more than four (4) passenger motor vehicles, or more than one (1) commercial motor vehicle, and in which provisions may be made for the dispensing of gasoline, oil or similar products for the servicing of such vehicles. *

Garden-Type Apartment House: An apartment house of one or two stories above grade with not more than eight (8) apartments all served by two means of egress, one of which shall be a primary entrance.

207.04 - Gasoline Station/Service Station/Filling Station: An establishment which provides for the servicing of motor vehicles or implements and conducts operations incidental thereto, limited to: a) retail sale of gasoline, oil, tires, batteries and new accessories; b) the changing and repairing of tires (but not including recapping); c) battery service, charging and replacement but not including repair or rebuilding; d) radiator cleaning and flushing, but not including repair or steam cleaning; e) installation of minor accessories; f) the incidental sale from time to time of motor vehicles but at no time shall more than two vehicles be displayed on the premises of the establishment for sale; and g) the following operations if conducted wholly within an enclosed building: lubrication of motor vehicles; brake adjustment, replacement of brake cylinders and brake fluid lines; minor repair not to include major body

work, motor transmission or differential repairing; or any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, or otherwise servicing motor vehicles, but not including the painting thereof by any means.*

Golf: The game as customarily played under natural light. The term “golf” as applied herein or in conjunction with these Zoning Bylaws shall not be construed to encompass as a direct or accessory use any artificial lighting installed upon, near, or over the regular golf playing area or course of such type or intensity as to illuminate said playing area or course for the purpose of making play possible when natural lighting conditions would otherwise prevent it. (Art. 7 S.T.M. November, 1964)

Grade: A reference plane representing the average or finished ground level adjoining the building at all exterior walls. *

Gross Floor Area: The sum of the areas of all stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including any floor area below grade when usable for residential, office, business, storage, industrial, or other purposes, but excluding any area used exclusively for heating, air conditioning or other mechanical equipment which services the building, and excluding floor area intended or designed for off-street parking. ~

Gross Land Area: All of the land within the perimeter of a parcel which is proposed for development or use. *

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third (7-1/3) feet above the attic floor is not more than one-third (1/3) the area of the floor next below.*

Habitable Room: A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces). *

Half Story: An attic having available floor area enclosable within vertical walls four (4) feet in height not exceeding three-fourths (3/4) that of the story next below it. *

Health Care Facility: a structure or portion thereof in which persons are housed, reside, or visit, on a short-term or long-term basis, and have available therein medical or nursing professional services, and/or facilities or services to assist in daily living, sustenance, care, or rehabilitation; such as, but not limited to: rehabilitative care facility, convalescent or nursing home, rest home, skilled nursing facility, diagnostic and health care professional offices, and hospital. (Art. 1, STM #5, 11/16/93) (Art. 44, A.T.M. 04/27/2010)

Height, Building: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street the height shall be measured from the average of the grade at the center line of each street or, if it does not abut on a street, from above the mean finished grade of the

ground adjoining the external walls thereof. An external wall extending above the roof shall be considered as part of the height of the building. *

Height, Court: The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls. *

Height, Story: The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters. *

Height of WCF Structure: A distance measured from the average finished grade of the land surrounding a WCF tower, or surrounding the exterior walls of a building or other structure containing or supporting a WCF, up to the highest point, surface or projection of such building or structure or the highest point, surface or projection of the WCF itself.◇

Home Occupation/Customary Home Occupation: An occupation such as professional offices, studios, laboratories, and workshops which may specifically include the following occupations (not by way of limitation): seamstress, tailor, milliner, hair care facility, realtor, legal services, dental or medical care facility, art, craft or music instruction, provided that: (a) Only one person other than members of the family residing on the premises shall be simultaneously engaged in such occupation, (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the building area of the dwelling unit shall be used in the conduct of the home occupation; (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building; (d) No home occupation shall be conducted in any accessory building; (e) There shall be no sales other than goods produced or assembled on the premises in connection with such home occupation nor public display of goods or wares; (f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation beyond such normal volume shall be met off the street and other than in a required front yard; (g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, smoke, dust, odors, heat, unsightliness, or electrical interference detectable to the family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; (h) There is no exterior storage of materials or equipment including automotive parts and construction equipment; and (i) There is no external structural alterations which is not customary in a residential building. (Art. 17, 1987 FALL A.T.M.)

Home Occupation/Customary Home Occupation Dog Kennel: A "Home Occupation/Customary Home Occupation," compliant with that term and meaning as defined in Town of Natick - Zoning Bylaw Section I/Article I,

Section 200* except allowing partial outdoor conduct by such home occupation as necessary for proper dog care, used for boarding, holding, day care, overnight stays or training of dogs that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such dogs, or engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers or pet shops in return for consideration (Art. 27, Spring T.M. 4/9/19)

Hotel: any establishment used for the feeding and lodging of guests, whose occupancy is not to exceed ninety (90) consecutive days, which is licensed or required to be licensed as a common victualler and innholder under the provisions of M.G.L. c. 140, s. 6 and has upon its premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers, and also has the rooms, beds and bedding required by law. (Art. 1, S.T.M. #2, 12/3/2002)

Housing Trust Fund Contribution: A contribution to a trust fund, maintained by any public agency, or private non-profit agency, established for the purpose of financing the purchase, rehabilitation and/or construction of housing for low and moderate income persons or families. (~ see below) (Art. 5, S.T.M. #2, Oct. 10, 2000)

Independent Senior Living Facility: A facility or building which is comprised exclusively of Elderly Family Residences and which may offer and/or may include services and/or amenities for residents such as but not limited to housekeeping, cleaning, trash removal, meals, activities, transportation, etc. but not including living units or dwelling units that meet the definition of Assisted Living Residences. (Art. 41, Spring ATM, 4/11/2017)

Indoor Wireless Communications Facility (IWCF): A WCF mounted inside, erected inside or supported within an existing building or structure (including without limitation, buildings, cupolas, church spires, inactive smoke stacks, and the like) occupied and/or used primarily for other purposes, no portion of which is visible from the exterior of such building or structure.◇

Initial Rent of an Affordable Dwelling Unit: The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of household income of up to seventy percent (70%) of monthly Median Income. (Art. 32, Fall TM, 10/16/18)

Initial Sales Price of an Affordable Dwelling Unit: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment shall not exceed thirty percent (30%) of household income of up to seventy percent (70%) of monthly Median Income. Calculation of the initial sales price shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees (if any). The Initial Sales Price shall not exceed the Maximum Initial Sales Price, as defined in the MassHousing 40B Affordability Monitoring Handbook.

(Art. 32 Fall TM, 10/16/18)

Interior Lot Line: Any lot line other than one adjoining a street or public space. *

Landscape Surface Ratio (LSR): The ratio between the area of a parcel devoted to pervious landscaping or natural vegetated areas and the total area of the parcel. Both components of this ratio shall exclude any wetland resource area, as defined in M.G.L. Ch. 131, Sec. 40, except for wetland areas that are located within one hundred (100) feet of an upland area that adjoins a developed area of the project, or wetland areas to be improved to serve as a public amenity. ~

Limited Salesroom For Motor Vehicles: A retail establishment for the sale of Motor Vehicles with Class I license per MGL c. 140 ss. 58 and 59 having no more than four vehicles on site for sale, test driving or display, with no repair services other than enclosed repair services for the brand of motor vehicle being sold, provided that the cumulative Gross Floor Area of the enclosed repair services does not exceed 20% of the building in which the retail establishment is located, and further provided that the Special Permit Granting Authority determines that the use does not substantially diminish the diversity of commercial uses in the district. (Art. 29, Fall ATM, 10/19/21)

Lodging House: See BOARDING HOUSE*

Lot: A single area of land in one ownership, defined by metes, bounds or boundary lines in a recorded deed or a recorded plan. (Art. 4, S.T.M., 10/10/00)

Lot, Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces. *

Lot, Interior: A lot which faces on one street or with opposite sides on two (2) streets. *

Lot Line: The established division line between lots or between a lot and a street.

Low Income: "Low Income" shall mean having a total household or family income less than or equal to eighty (80%) percent of the median income for the Greater Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437, et. seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program. (Art. 10, 1991 Fall A.T.M.) (Art. 7, S.T.M. #1, 2/3/93)

Major Alteration: An alteration or expansion of a structure or group of structures, on the same lot or contiguous lots, that results in an increase in gross floor area equal to or greater than 15% over the gross floor area in existence on January 1, 1992; or which is equal to or more than eight thousand (8,000) square feet; or if the parcel on which the subject structure is located is within two hundred (200) feet of a residential district, is more than five thousand (5,000) square feet; whichever is the lesser amount. ~

Means Of Egress: A continuous and unobstructed path of travel from any point in a building or structure to a public space and consists of three (3) separate and distinct parts: (a) the exitway access, (b) the exitway and (c) the exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards. *

Median Income: The Eligible Household income limit entitled “Area Median Income,” as set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development. (Art. 32, Fall TM 10/16/18)

Medical Marijuana Treatment Center:

A not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations. (Art. 39 2013 Spring Town Meeting)

Minor Alteration: An alteration or expansion of a structure or group of structures, on the same lot or contiguous lots, that results in an increase in gross floor area of less than 15% over the gross floor area in existence on January 1, 1992; or which is less than eight thousand (8,000) square feet; or if the parcel on which the subject structure is located is within two hundred (200) feet of a residential district, is less than five thousand (5,000) square feet; whichever is the lesser amount. ~

Mixed-use Development, Residential: See RESIDENTIAL MIXED-USE DEVELOPMENT (Art. 24, Spring ATM, 05/02/23)

Mobile Home: Any vehicle or object whether resting on wheels, jacks or other foundation and having no motive power of its own, but which is drawn by, or used in connection with a motor vehicle, and which is so designed and constructed as a dwelling unit which permits its transportation and relocation as a complete unit on its own wheels; and containing complete electrical, plumbing and sanitary facilities; and designed to be installed on a temporary or permanent foundation for permanent living quarters. This shall not include the type of vehicle known as a travel trailer or travel coach. *

Moderate Income: “Moderate Income” shall mean having a total household or family income less than or equal to one hundred twenty (120%) percent, but more than eighty (80%) percent, of the median income for the Greater Boston Primary Metropolitan Statistical Area, as set forth in regulations

promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. 1437 et.seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program. (Art. 10, 1991 Fall A.T.M.) (Art. 7, S.T.M. #1, 213193)

Motel: A building intended and designed solely for transient or overnight occupancy, divided into separate units within the same building and with or without public dining-room facilities.

Motor Vehicle Repair Shop: A building, structure or enclosure in which the general business of repairing motor vehicles is conducted, including a public garage. *

Multi-Family Housing: A structure having three (3) or more dwelling units. ~

Multiple Dwelling: See DWELLING, MULTI-FAMILY*

Net Usable Land Area: The Gross 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. (Art. 11, Fall T.M. 10/20/20)

Nonbonus Project: A project for which the applicant is not seeking a bonus. ~

Non-Conforming Building Or Use: An existing building or use of a building or land that does not conform to the requirements or regulations of the district in which it is located and which existed at the time of the adoption of the Zoning Bylaw. *

Office Building: A building used mainly for clerical or professional purposes, but not for manufacturing, or above the first story for selling goods, except by sample, and not as a dwelling, except by a janitor, and of which the first story may be used also for general commercial purposes. *

Open Space: The minimum space on a lot designated in these bylaws to be left open and in which no structures, parking, drives or other uses are found that would preclude attractive landscaping. *

Open Space Public Benefit Amenity: A public benefit amenity in the form of a park or excess pervious landscaping, available for passive or active recreation, or leisure use, by the public and which may include an area or areas for trails and ways for pedestrians and non-motorized vehicles. ~ (Art. 29, Spring Town Meeting, 4/20/15) (Art. 25 Spring ATM, 2016)

Open Space Residential Development (OSRD): as defined by MGL, c. 40A, Section 1A (Art. 26, Spring ATM, 05/02/2023)

Open Storage Yard: The use of premises for the storage in the open of lumber, stone, brick, gravel, cement and other bulky merchandise, contractors equipment and the like. *

Overnight Cabins/Tourist Cabins: A building containing only one or two habitable rooms, which is adapted and used to provide transient sleeping accommodations for hire to not exceed four (4) persons, but not adapted or

used for cooking or preparing meals, or for residence by the same persons in excess of ninety (90) days in any calendar year. *

Parcel: All lots utilized for any purpose in connection with creating a development, e.g. buildings, parking, detention basins. ~

Park: A continuous area of open space which is directly accessible to the public for scenic, recreational or leisure purposes. ~

Party Wall: A fire wall, used or adapted for joint service between two buildings, which may fall on an interior lot line or which may be used to separate adjoining one and/or two-family dwellings on the same lot. *

Pedestrian Circulation Improvement: A public benefit amenity in the form of a pathway, off-site sidewalk or pedestrian bridge designed to facilitate pedestrian movement. ~

Pedestrian Bridge: A structure designed to convey pedestrians over a watercourse, railroad, or public or private right of way. ~

Pedestrian Tunnel: A structure designed to convey pedestrians under a watercourse, railroad, or public or private right of way.

Person: Every individual, partnership, corporation, firm, association, trustee or group, including a city, town, county, authority or other governmental unit, owning property or conducting any activity regulated by this Bylaw. *

Personal Dog Kennel: A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal dog kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal dog kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal dog kennel, in conjunction with an animal shelter or rescue registered with the Massachusetts Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit. (Art. 27, Spring T.M. 4/9/19)

Pervious Landscaping: Area that is principally covered with natural materials such as grass, live plants and trees. ~

Phased or Segmented Housing Development: A Residential Project containing dwellings on one lot or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Residential Project. (Art. 32, Fall TM 10/16/18)

Premises: A lot together with all buildings, structures, and uses thereon.

Professional Office: The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer or accountant.*

Public Assembly Space: A room or facility, such as a meeting room, theater, amphitheater or auditorium, which is available on a not-for-profit basis for use by members of the public for civic and cultural events. ~

Public Benefit Amenity: An improvement, facility or financial contribution for the benefit of the public, provided in connection with a development in order to qualify for an increase over the base FAR. ~

Public Shade Tree: All trees within a public way or on the boundaries thereof, and where the boundaries of the way cannot be made certain by records or monuments a tree shall be taken to be within the highway and to be public property until the contrary is shown. *

Public Space: A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use which abuts the premises. *

Public Transit Endowment: A contribution to a trust fund, maintained by the Town of Natick, or by another governmental body designated by the Board of Selectmen, established for the purpose of providing long-term financial support for local or regional transit systems serving the Regional Center district. ~

Public Utility: A public-service corporation, either private or municipal, supplying or transmitting gas, water, electricity, or communications to any or all members of the public and subject to Federal, State, or Town regulations by virtue of its natural or legal monopoly, except for a corporation or other organization which provides cellular telephone service, personal communications service, or enhanced specialized mobile radio service.◇

Rear Yard: A yard across the full width of the lot between the rear line of the building and the rear line of the lot. *

Regional Center Mixed-Use Development: The use of a parcel or two or more abutting parcels (developed and operated under a joint operating agreement or as part of a condominium association) for a combination of multi-family residential use and shopping mall use where the shopping mall use has received special permits and site plan approval from the Planning Board pursuant to Section 320 and Section VI-DD of this By-Law and where there is enclosed pedestrian access between all of such parcels. Where a parcel has the benefit of a special permit granted under Section 324.10.1 of this By-Law, all of the parcels included within the application for such special permit must have enclosed pedestrian access to each other. (Art. 1, Fall STM #1, 10/18/05)

Renewable or Alternative Energy: The following renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets; ultra low emissions high efficiency wood pellet boilers and furnaces; low

impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy; advanced biofuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations. (Art. 58 Fall A.T.M. 10/20/09)

Renewable or Alternative Energy Research and Development Facilities:

Facilities used primarily for research, development and/or testing of innovative renewable or alternative energy information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with these uses. (Art. 58 Fall A.T.M. 10/20/09)

Residential Mixed-use Development: development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial, or other uses (Art. 24, Spring ATM, 05/02/2023)

Residential Project: Development projects with residential uses including, but not limited to, 1, 1A, 2, 3, 4, 5, and 50B Listed in Use Regulation Schedule III-A.2 and residential overlay districts (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw. This definition does not apply to dwellings developed in a Smart Growth Overlay (SGO) district under the provisions of Section III-A.6.C. (Art. 32, Fall TM 10/16/18)

Restaurant: Any structure or part thereof, other than a hotel or boarding house, used chiefly for the sale of food to be eaten on the premises, and fitted to serve at once more than four (4) guests. *This shall not include establishments engaged in the sale of packaged foods prepared on or off the premises exclusively for consumption off the premises.* (Art. 40 Spring A.T.M. 4/12/11)

Retail Store: A structure containing goods for sale. Such goods may include individual items displayed on shelves or racks, free standing or hung on a wall. A retail store shall include establishments engaged in the sale of packaged foods prepared on or off the premises exclusively for consumption off the premises. A retail store may also include those having goods stored in bulk and not readily accessible to the customer, e.g. a retail warehouse where goods are stored on pallets and/or in boxes, in addition to being on sale. (Art. 40 Spring A.T.M. 4/12/11)

Road Link: a roadway connecting to a double lane public highway. (Art. 1, S.T.M. #2, 12/3/02)

Row House: One of a row of attached dwellings, separated by a masonry wall with no openings from the adjacent dwelling. (see TOWN HOUSE).*

School: A public, non-profit private, parochial or other institution maintained primarily for educational purposes, recognized as such by the Massachusetts Department of Education. (Art. 54, Spring A.T.M., 4/17/97)

School Campus: a parcel or parcels of land containing buildings, structures, accessory buildings and structures, and facilities, inclusive of student and faculty housing, for the operation of educational programs that are: Licensed or accredited by the Massachusetts Department of Elementary and Secondary Education, and/or approved pursuant to M.G.L. c. 76, § 1, and/or authorized pursuant to 610 CMR 2:00, and/or established pursuant to MGL c.15A s.5.” (Art. 18, Fall A.T.M., 10/17/17)

Service Road: A road that is designed to provide access to abutting properties to minimize traffic entering onto or exiting from major roadways. ~

Setback: The shortest distance from the boundary line of a street, or lot line, to the wall of a building facing thereon. *

Shopping Mall Use: as defined in Section 323.1.5 (Art. 1, S.T.M. #2, 12/3/02)

Side Yard: A yard between a building and a side line of the lot extending from the front yard to the rear yard. *

Sky Exposure Plane: A plane that begins on a lot line of a parcel at or above Grade, then extends vertically and horizontally at a slope perpendicular to that lot line until it reaches the maximum permitted height in the district or intersects with a Sky Exposure Plane from another of the parcel’s lot lines. The Slope and the Starting Elevation for the Sky Exposure Plane may vary for the front, side, and rear areas of a lot. (Art. 31 Fall A.T.M 10/17/17)

Sky Exposure Plane Slope: The vertical rise of a Sky Exposure Plane above the horizontal, expressed as a ratio of **Rise** (Vertical distance) to **Run** (Horizontal distance). As per the following examples or by other slope provided in these bylaws.

- i. A Sky Exposure Plane with a slope of 2:1 rises two (2) feet vertically for every one (1) foot of horizontal distance away from its starting point.
- ii. A Sky Exposure Plane with a slope of 1:1 rises one (1) foot vertically for every one (1) foot of horizontal distance away from its starting point.
- iii. A Sky Exposure Plane with a slope of 1:2 rises one (1) foot vertically for every two (2) feet of horizontal distance away from its starting point.

(Art. 31 Fall A.T.M 10/24/17)

Sky Exposure Plane Starting Elevation: The specified vertical distance at or above the mean finished grade, of a building or structure, imputed to a lot line which marks the starting point of a Sky Exposure Plane. (Art. 31 Fall A.T.M 10/17/17)

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

- a) **Solar Energy System, Active**: A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical,

electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

- i) Solar Energy System, Building-mounted: An Active Solar Energy System that is structurally mounted to a building or structure.
 - 1) Solar Energy System, Roof-mounted: A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.
 - ii) Solar Energy System, Ground-mounted: An Active Solar Energy System that is structurally mounted to the ground.
 - 1) Solar Energy System, Small-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies 1,750 square feet of surface area or less.
 - 2) Solar Energy System, Medium-Scale Ground-mounted: A Ground-mounted Solar Energy System that occupies more than 1,750 square feet, but less than 40,000 square feet of surface area.
 - 3) Solar Parking Canopy: A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.
 - iii) Solar Energy System, Building-integrated Photovoltaic (BIPV): An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.
 - iv) Solar Energy System, Surface-integrated: An Active Solar Energy System that is not building-mounted and is integrated into a ground-level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.
- b) Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.”

(Art. 30, Fall A.T.M (10/17/17)

Solid Waste Disposal Facility: Use of land for the disposal of solid refuse, such as dumps using the sanitary fill method. *

Specialty Craft Fabrication: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such activity involves on-site sales of goods produced, is conducted in public view as much as practical and requires no outdoor

operations or storage, and where the production, operations, sales and storage of materials related to production occupy no more than 7,500 square feet of gross floor area. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking, ceramics production, jewelry manufacturing, small electronics production, beverage or food processing, including the distillation of alcohol. Specialty Craft Fabrication sites may include a retail or dining component, not to exceed thirty-three percent (33%) of the facility's gross square footage, permitted as an accessory use, where goods and products produced on the premises may be displayed, sold and/or consumed. A seasonal outdoor area (i.e. a patio, deck or garden) is permissible as part of an accessory retail use in a Specialty Craft Fabrication site, but shall not be included in calculating the retail use's square footage for zoning compliance. Specialty Craft Fabrication sites may also include other accessory uses if such uses are otherwise permitted in the zoning district. (Art. 31, Fall TM 10/15/19)

Stable: A structure for housing any number of the larger domestic animals, such as horses, cattle, swine. *

Story: That portion of a building including between the upper surface or top of any tier of beams of a floor and the upper surface or top of the beams of the floor or roof next above. *

Street: A primary thoroughfare or highway or right of way thirty (30) feet or more in width as dedicated or devoted to public use by legal mapping use, easement or other lawful means. *

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, gas pump, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word "structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". However, for purposes of measuring setback from lot lines, structure shall not include fences, retaining walls, rip rapped areas, driveways, parking areas, utility lines or the like. *

~~**Subsidized Housing**: The term "subsidized housing" shall mean housing for people of low or moderate income which is constructed, rehabilitated, remodeled and sold, leased or rented by the Town of Natick, the Natick Housing Authority, or by any other public agency, non-profit or limited dividend organization; the construction, remodeling, financing, sale, lease or rental of which housing is regulated and financially assisted by agencies of the government of the United States or of the Commonwealth of Massachusetts under programs the purpose of which is to provide housing for people of low or moderate income. The terms "low income", "moderate income", and "limited dividend corporation" shall have the meanings defined in the programs or laws administered by such agencies. (Art. 83 A.T.M. 1973)~~

Tenement House: Any building occupied or designed to be occupied as a residence by more than two (2) families, including apartment houses and flat houses; also any building other than a hotel having ten (10) or more rooms to be let to lodgers or accommodations for twenty (20) or more lodgers. *

Tense, Gender And Number: Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. *

Terms Not Defined: Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. *

Terminal Island: A landscaped element at the end of a row of parking, running in a direction parallel to individual parking spaces and having a minimum length equal to the length of any abutting parking space. ~

Total Development Cost: The sum of all costs for site acquisition, relocation (if applicable), design, engineering, environmental testing and remediation, demolition, construction, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this bylaw. (Art. 32, Fall TM 10/16/18)

Town House: A building containing at least three (3) one-family dwelling units attached together by common walls with each dwelling unit located on one or two levels above grade, each unit being served by a separate ground floor entrance. (Art. 3 S.T.M., 6/1 7/80)

Tourist Home: See BOARDING HOUSE*

Trailer: A non-automotive wheeled vehicle, which may be in the form of a flatbed mounted on a wheeled undercarriage, or having a partially or fully enclosed storage means on a wheeled undercarriage, or an operable piece of equipment having a wheeled undercarriage, or the like, designed to be hauled by some other vehicle. *

Trailer Park: A parcel of land on which there is located or intended to be located two or more trailers occupied for living purposes where all utility services are supplied.

Transit Amenity: A public benefit amenity which contributes to the use and/or long-term availability of public transit and is either a transit-related physical alteration or public transit endowment contribution. ~

Transit-Related Lane Widening: A new or expanded lane on an existing street, designed and reserved for use by high occupancy vehicles, such as buses and vans.

Unregulated Dwelling Units: Dwelling units that are not intended to meet the requirements of Affordable Housing, either for rental or homeownership. (Art. 32, Fall TM 10/16/18)

Wireless Communications Facility (WCF): A transmission and reception base or substation, including fixtures and equipment used for the wireless transmission and reception of radio signals, including but not being limited to: (a) reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices, (b) structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles, but excluding lattice towers, (c) earth stations and associated equipment, and (d) any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate any of the foregoing equipment.

It is recognized that the wireless industry technology is rapidly changing and the definition of a WCF may be expanded over time to encompass further technological advances and new devices resulting therefrom. All of such future devices are also intended to be included within this definition. It is specifically intended, however, that a WCF shall include all “personal wireless service facilities” as defined in Section 332 (c)(7) of the United States Code, Section 332, as amended. ◇

Wireless Communications Services: The provision of the following types of services: cellular telephone service, personal communications including wireless and broadcast communications, and enhanced specialized mobile radio service, paging services, and including, without limitation, voice, messaging and data communications using advanced digital communications technologies.◇

Amended:

(~) - Golden Triangle (Art. 7, S.T.M. #1, 2/3/93)

(*) - (Art. 25, FALL A.T.M., 10/10/95)

(^) - (Art. 24, FALL A.T.M., 10/03/96)

(›) - (Art. 48, SPRING A.T.M., 4/17/97)

(◇) – (Art. 30, FALL A.T.M., 10/8/98)

SECTION II - USE DISTRICTS

II-A. TYPES OF DISTRICTS

1. For the purposes of this bylaw and such other bylaws as may apply, the Town of Natick is hereby divided into the following types of Use Districts (to be designated by the appropriate initials and numerals as appear after each type below):

Residential General	R G
Residential Multiple	R M
Residential Single	RS (A to E Inclusive)
Planned Cluster Development	PCD (Art. 1 S.T.M. 6/17/69)
Administrative & Professional	AP (Art. 8 S.T.M. 4/29/75)
Subsidized Housing	SH (Art. 83 A.T.M. 1973)
Downtown Mixed Use	D M
Commercial Two	CII
Industrial One	InI
Industrial Two	InII
Hospital	H (Art. 9 S.T.M. 1973)
Flood Plain	FP (Art. 73 A.T.M. 1971 & Art. 76 A.T.M. 1973)
Highway Mixed Use - I	HM-I (Art 1 S.T.M. 3/20/79)
Highway Mixed Use - II	HM-II (Art. 3 S.T.M. 3/20/79)
Highway Mixed Use - III	HM-III (Art 1 Fall Session A.T.M. 10/6/81)
Limited Commercial	LC (Art. 6 S.T.M. 3/20/79)
Highway Planned Use	HPU (Art. 1 S.T.M. #3 10/27/81)
Regional Center Overlay District	RC (Art. 7, S.T.M. #1, 2/3/93)
Highway Corridor Overlay District	HC (Art. 7, S.T.M. #1, 2/3/93)
Mall Center Overlay District	MC (Art. 1, S.T.M. #2, 12/3/02)
Housing Overlay Option Plan – I	HOOP – I (Art. 27, Spring A.T.M. 4/15/04)
Housing Overlay Option Plan – II	HOOP – II (Art. 27, Spring A.T.M. 4/15/04)
Regional Center Mixed-Use Overlay District	RCP (Art. 1, Fall STM #1, 10/18/05)
Independent Senior Living Overlay Option Plan”	“ISLOOP (Art. 41, Spring ATM,4/11/17)
Assisted Living Overlay Option Plan	ALoop (Art. 34, Spring ATM, 4/10/18)
Industrial Marijuana Overlay	IMo (Art. 2, STM#2, 10/4/2018)
Retail Marijuana Overlay	RMo (Art. 2, STM#2, 10/4/2018)
Indoor Recreational Overlay District	(IROD) (Art. 28, Fall TM, 10/16/18)
Center Gateway	(CG) (Art. 24, Spring ATM 05/24/2023)

SECTION VI - ADMINISTRATION

VI-DD SPECIAL PERMIT PROCEDURES AND SITE PLAN REVIEW

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)
 - Hospital (H)
 - Inclusionary Housing Option Program (IHOP)
 - Regional Center Overlay District
 - Highway Corridor Overlay District
 - Planned Cluster Development - PCD
 - Mall Center (MC) Overlay District
 - Housing Overlay Option Plan - I (HOOP I)
 - Housing Overlay Option Plan - II (HOOP II)
 - Regional Center Mixed-Use Overlay District
 - Historic Preservation
 - Administrative and Professional (AP)
 - Commercial II (C-II)
 - Industrial I (In-I)
 - Industrial II (In-II)
 - Downtown Mixed Use (DMU)
 - Center Gateway (CG)
 - Independent Senior Living Overlay Option Plan (ISLOOP)
 - Assisted Living Overlay Option Plan ALOOP
 - Indoor Recreational Overlay District (IROD)
 - Inclusionary Housing Special Permit (IHSP)
 2. Zoning Board of Appeals shall act as the SPGA in the following Districts:
 - Limited Commercial (LC)
 - ~~Subsidized Housing (SHA)~~
 - Non Conforming Uses in accordance with Section V-A

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)
Hospital (H)
Inclusionary Housing Option Program (IHOP)
Regional Center Overlay District (Art. 7, S.T.M. #1, 2/3/93)
Highway Corridor Overlay District (Art. 7, S.T.M. #1, 2/3/93)
Planned Cluster Development - PCD (Art. 2, S.T.M. #2, 10/10/00)
Mall Center (MC) Overlay District (Art. 1, S.T.M. #2, 12/03/02)
Housing Overlay Option Plan – I (HOOP – I) (Art. 27, Spring A.T.M., 4/15/04)
Housing Overlay Option Plan – II (HOOP – II) (Art. 27, 2004 Spring A.T.M., 4/15/04))
Regional Center Mixed-Use Overlay District (Art. 1, Fall STM #1, 10/18/05)
Historic Preservation (Art. 37, Fall ATM, 10/21/14)
Industrial I (In-I) (Art. 7, S.T.M.#2, 11/1/16)
Industrial II (In-II) (Art. 7, S.T.M.#2, 11/1/16)
Downtown Mixed Use (DMU) (Art. 38, Spring ATM, 4/11/17)
Center Gateway (CG) (Art. 24, Spring ATM, 05/02/2023)
Independent Senior Living Overlay Option Plan (ISLOOP)
Assisted Living Overlay Option Plan ALOOP
Indoor Recreational Overlay District (IROD)

The following zoning districts shall be subject to the Site Plan Review Procedures described herein, to be administered the Zoning Board of Appeals acting as the SPGA

Limited Commercial (LC)
~~Subsidized Housing (SHA)~~
(Art. 38, Spring ATM, 4/11/17)

SECTION VI - ADMINISTRATION

VI-E BOARD OF APPEALS

The Board of Selectmen shall within sixty days after this amendment to the bylaw takes effect, increase the members of the Board of Appeals from three to five members for terms of such length and arranged so that the term of one member will expire each year. They shall be citizens of the Town of Natick and serve from the first day of May. The members of the Board of Appeals whose terms have not expired, shall continue as members until the expiration date of the term to which they were appointed. After the five-man board has been established, all subsequent appointments shall be made annually to replace those members whose terms are ending for terms of five years from the first day of May in each calendar year. The term of each member shall be extended until his successor has been appointed and qualified. Said Board shall act as Board of Appeals under the Building Code Bylaws, Zoning Bylaws, Sign Code Bylaws, and Planning Board. At least one member of said Board shall be an attorney-at-law, one member may be if feasible a qualified architect, and one member may be if feasible a civil engineer or master builder.

In like manner, the Board of Selectmen shall increase the associate members of the Board of Appeals from two to three; and in case of absence, inability to act, or conflict of interest on the part of a member of said Board, his place shall be taken by an associate member designated by the Chair of the Board. Vacancies shall be filled for the unexpired terms in the same manner as in the case of the original appointments. The Board shall elect annually a Chairman from its own members, and a Clerk. Any member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing.

Any person aggrieved by an order, decision, issue or refusal of a permit or certificate, or by a delay of more than two weeks (except for apartment houses as defined in Chapter 2, Section 2.1 of the Building Code and Section I-D of the Zoning Bylaw) in rendering a decision, or by a ruling on or application of any part of this code by the Inspector, may appeal to said Board within thirty days of the date thereof, by filing a written notice of appeal with the Town Clerk, on a form provided by the Board of Appeals.

Any owner or lessee of real estate affected by the issue of a permit may likewise appeal within 30 days of the publication of the notice thereof. The Inspector may appeal to the Board for a ruling in any case wherein he is in doubt as to the true intent or application of any part of the Zoning Bylaws. On receipt of notice of appeal, the Town Clerk shall notify the Board of Appeals, who after due notice to the parties concerned, shall give a hearing and shall either affirm, annul or modify such order, decision, issue

refusal, ruling or application or shall determine the true intent and application of any provisions of the Zoning Bylaws.

Every decision of the Board shall be in writing and shall be signed by four of its five members, and shall be filed in the office of the Town Clerk and the Planning Board and notice shall be sent to the applicant and others in conforming with Chapter 40A, Section II, of the General Laws. If it modifies or overrules any action of the Inspector, he shall issue a new order, permit, certificate or ruling in conformity with the decision of the Board without delay.

An affirmative decision shall require the concurring vote of four of its five members thereof after due notice and public hearing upon a written petition addressed to the Board, may vary the application of these codes, without, however, making any change in its provisions or departing from its substantial intent or purpose, in specific cases wherein its strict enforcement would involve unnecessary hardship, and shall vary it so far as necessary in any case to avoid violation of constitutional guarantees, but shall not otherwise vary it. They may authorize a limited permit for a temporary non-conforming structure to remain less than one year from the date of issue if in their judgment it is safe and desirable. The detailed public record of proceedings and the decision on every such petition shall be signed by four of its five members thereof, and shall specify the variation allowed and the reasons therefor.

The records of the Board of Appeals shall be kept by said Board, shall be the property of the Town and open at all reasonable time to the inspection of the Selectmen or to any interested citizen, but shall not be taken from the custody of the Board of Appeals; and the Board of Appeals shall submit to the Selectmen at such time as they may require, an annual report of such business and such other reports as they may request.

The Board of Appeals shall have the following powers insofar as this Zoning Bylaw is concerned and in addition to those powers set forth in the Building Code and as defined by the General Laws of Massachusetts:

1. Appeals

To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provision of Chapter 40A, General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A of the General Laws, or of this bylaw.

2. Special Permits

- a) To grant a Special Permit for those uses for which the Board of Appeals is the Special Permit Granting Authority, and in issuing any said Special Permit, the Board of Appeals may impose such a

safeguard, conditions and limitations pertaining to the use in question as may be, in the reasonable opinion of the members of the Board, necessary or advisable to prevent such permitted use from being either detrimental or injurious to the neighborhood or to the value of any property within the neighborhood or to prevent such permitted use from substantially derogating from the purpose of this bylaw.

- b) The Special Permit Granting Authority may grant a special permit for business uses, including parking and loading areas servicing such business uses, in a PCD District, for the purpose of providing a business area to serve principally the dwelling units constructed in the development of such PCD District. (Art. 2, S.T.M. #2, Oct. 10, 2000)
- c) The area devoted to business uses in any PCD District under a Special Permit shall in no case exceed five percent (5%) of the total land area of the PCD District concerned. No such Special Permit shall be granted for business uses in any PCD District until six hundred (600) dwelling units have been constructed in said District and certificates of occupancy issued therefor. No business establishment having a gross floor area in excess of seventy-five hundred (7,500) sq. ft. shall be allowed by Special Permit in any PCD District including Parking and Loading areas serving such business uses.
- ~~d) The Board of Appeals may grant a special permit for the development of any tract of land in an SH district in which not less than 75% of the dwelling units to be constructed in such development come within the definition of subsidized housing contained herein. The following provisions shall be applicable only to tracts of land in an SH district:
 - 1) Where the proposed construction of subsidized housing is dependent upon obtaining approval and/or a commitment of financial assistance under relevant federal or state housing subsidy programs, it shall be a condition of any special permit issued hereunder that no building permit shall issue for any portion of the proposed development until the applicant has filed with the Board of Appeals evidence that such approval and/or commitment has been obtained.
 - 2) Any special permit granted hereunder shall designate the dwelling units to be used for subsidized housing and shall impose appropriate safeguards to ensure the continued use of such designated units or equivalent units for subsidized housing.~~

- ~~3) A special permit granted hereunder may allow the construction of single family detached houses, two family houses, two family semi-detached houses, townhouse type dwelling units separated by walls meeting state or federal safety requirements, garden apartments not exceeding in height three stories used for human occupancy, or any combination of such housing types or other housing types not exceeding in height three stories used for human occupancy. Ownership for such housing may be in any form permitted by law, including condominiums.~~
- ~~4) The Board of Appeals may permit dwelling unit density in SH districts of up to, but not exceeding, 10 dwelling units per acre. However, in each instance in which the Board of Appeals permits such density to exceed 8 dwelling units per acre, the Board shall file with its decision the basis for its determination that such density would be appropriate, and, in reaching such determination, shall consider, among other factors, soil conditions, drainage, traffic or other neighborhood conditions brought to the Board's attention, the provision of usable open space in excess of the minimum required per dwelling unit and the provision of off-street parking under or within buildings which contain dwelling units.~~
- ~~5) The minimum distance between detached buildings shall be 30 feet or 10% of the length of the shorter building involved, whichever is greater.~~
- ~~6) A number of direct accesses shall be provided to the dwelling units adequate for the number of such units and of adequate width.~~
- ~~7) There shall be provided at least one off-street parking space per dwelling unit, reserved for the use of such dwelling unit and within 150 thereof. The total number of off-street parking spaces provided shall be not less than 1 1/2 times the number of dwelling units. Such parking spaces shall be paved, contained in garages, or under or within buildings which contain dwelling units.~~
- ~~8) Not less than 1,000 square feet of permanent usable open space per dwelling unit available for outdoor activities shall be provided. Required front yards, paved vehicular areas and wetlands shall not be considered as such usable open space.~~
- ~~9) Special permits granted hereunder shall incorporate by reference the building design, site development and financing plans submitted by the developer with the application. Development of the tract in question under such special permit~~

~~shall be in conformance with such designs and plans, unless, after hearing, the Board of Appeals amends such special permit.~~

~~—However, financing plans may be modified without requiring amendment of such special permit provided that all other requirements of said special permit shall remain unchanged.~~

~~10) There shall be no more than 125 dwelling units permitted on any one tract of land which is zoned as an SH District.~~

~~11) Special permits may not be granted for any tract of land zoned as an SH District which is closer than one mile to any other tract of land zoned as an SH District for which special permits have already been granted.~~

~~12) Special permits may not be granted for any tracts of land in an SH District which: (i) will result in a number of dwelling units of subsidized housing, which when added to the then existing total number of dwelling units of subsidized housing in being or under construction in the Town of Natick, will exceed the number of dwelling units of subsidized housing required under Chapter 40B, Sections 20-23, General Laws, or (ii) place more than 25% of such total number of dwelling units of subsidized housing in any one quadrant as shown in the maps appearing hereafter, and as further described by line drawn along the center lines of State Route 27 and the Penn-Central Railroad tracks.~~

~~13) In granting a special permit, the Board of Appeals may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by any Town Board or Department, or upon its own initiative. Special permits issued hereunder shall lapse if —no building permit issues within two years of the date of the special permit, unless the Board of Appeals, upon application, extends this time.~~

~~e) The application to the Board of Appeals for a special permit for subsidized housing under subsection VI E 2 d shall be accompanied by the following plans and supporting materials, copies of which also shall be submitted to the Planning Board.~~

~~1) Plan of the tract showing the existing topography at 2-foot contours, soil culture, existing streets and structures within and adjacent to the tract.~~

~~2) Where a subdivision of land is involved, a preliminary subdivision plan, which may be combined with the plan required under the preceding paragraph.~~

~~3) Site development plans showing the proposed grading of the tract and the proposed locations, dimensions, materials and~~

~~types of construction of streets, drives, parking areas, walks, paved areas, utilities, usable open space, planting, screening, landscaping and other improvements and the locations and outlines of proposed buildings.~~

~~4) Preliminary architectural drawings for building plans including typical floor plans, elevations and sections, identifying construction and exterior finishes.~~

~~5) Financing plan describing the federal or state subsidy program, the subsidizing agency, the estimated costs of land, site development, building, operation and maintenance and the planned approximate schedule of rents, leases or sale prices.~~

~~6) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, and the usable open space.~~

~~7) Descriptive material providing information about the owner and developer, the developer's experience in building and eligibility as public, non-profit or limited dividend housing sponsor, evidence of preliminary approval under the subsidy program, the names of architect, engineer and landscape architect, if any, and other pertinent information.~~

~~f) The Planning Board shall review each application for a special permit for subsidized housing and shall submit in writing to the Board of Appeals its report and recommendations as to the appropriateness of the proposed development for subsidized housing, to include at least the following:~~

~~1) A general description of the tract in question and surrounding areas.~~

~~2) An evaluation of the probable impact of the proposed development on Town services and facilities.~~

~~3) The availability of permanent public open space in the immediate vicinity.~~

~~4) The proximity of the proposed development to public transportation, school, recreation facilities, neighborhood shopping and service facilities.~~

~~5) Whether the site is sufficiently separated from other subsidized housing and housing of equivalent rental value to achieve a desirable mix of income levels.~~

- ~~6) A determination from known or estimated land and site preparation costs whether or not such costs might render the proposed subsidized development uneconomic.~~
- ~~7) A review of the proposed development, including such aspects as the size of development (number of dwelling units) and density per acre, the arrangement or layout design of buildings and site improvements, the location and capacity of parking, the provisions for open space within the development, grading, landscaping and screening, the provisions for access, egress, and traffic within the development and on adjacent streets.~~
- ~~8) Whether or not, in the opinion of the Planning Board, the site, the proposed development layouts, the proposed number of housing units will constitute a suitable development compatible with the surrounding area.~~
- ~~9) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.~~
- ~~g) The Board of Appeals shall not take any action on an application for a special permit for subsidized housing development until the Planning Board shall have submitted its written recommendations to the Board of Appeals or forty-five days have elapsed from the date of submission of the application. Where its decision differs from the recommendations of the Planning Board, the Board of Appeals shall state in its decision the reasons therefor.~~
- ~~h) The Board of Appeals may deny an application for special permit for subsidized housing and base its denial upon:
 - ~~1) A failure to meet the standards established by sub-section VI E 2 d and/or e and/or f.~~
 - ~~2) A finding that the proposed development would not be consistent with the general objective of SH district development.~~
 - ~~3) A finding that the proposed development is not likely to result in a permanent increase in the number of dwelling units of subsidized housing in the Town.~~~~
- ~~i) Nothing contained herein shall in any way exempt a proposed subdivision in a SH district from compliance with the rules and regulations of the Planning Board, nor shall it in any way affect the right of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance~~

~~with the provision of such rules and regulations and of the subdivision control law.~~

~~j) Subsequent to a special permit granted by the Board of Appeals for subsidized housing development under the provisions of this section, and where applicable, the approval of a definitive subdivision plan by the Planning Board, minor revisions may be made from time to time in accordance with applicable laws, bylaws and regulations, but the development under such special permit shall otherwise be in accordance with the submission accompanying the developer's application for a special permit, except as modified by the decision of the Board of Appeals.~~

~~k) No section or subsection of the special permit procedure established herein for subsidized housing development shall be deemed severable from other sections or subsections of the special permit procedure for the construction of subsidized housing. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of special permits for subsidized housing shall become inoperative, except that special permits previously issued by the Board of Appeals hereunder shall remain valid.~~

~~Quadrants of Town of Natick in accordance with Sub-section VI E 2 (d) (12) (ii)~~

~~"... quadrant(s) ... described by lines drawn along the center lines of State Route 27 and the Penn-Central Railroad tracks." (Art 1 S.T.M. 6/17/69, Art. 1 S.T.M. #1 1973 and Art. 83 A.T.M. 1973)~~

3. Variances.

To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this bylaw where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw, but not otherwise. The Board may impose limitations both of time and use and may require bonds, and a continuation of the permitted use may be conditioned upon compliance with the regulations to be made and amended from time to time thereafter.

The Board of Appeals shall establish procedures and shall conduct its hearings and meetings and give proper notice thereof consistent with the provisions of Chapter 40A or other provisions of the General Laws and of this bylaw. The Board of Appeals shall notify the Planning Board on all appeals, Special Permits, and variances submitted to said Board of Appeals at the time of the first notice of a public hearing for such study and report as the Planning Board may deem appropriate. All applications for appeals, Special Permits, or variances to the Board shall be made in writing on appropriate forms furnished by the Board. The Board shall, with the advice and assistance of the Building Inspector, maintain and keep up-to-date a map indicating thereon by approximate notations the locations of all actions whether approved or disapproved.

In all of its deliberations, the Board shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values, shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and shall, whenever deemed advisable, prescribe appropriate conditions and safeguards in each case.

The Board of Appeals shall act on all matters within its jurisdiction under this bylaw in the manner prescribed by said Chapter and subject always to the rule that due consideration shall be given to conserving the public health, safety, convenience, welfare, and property values.

No appeal or petition for a variance, and no application for a Special Permit, which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two years after the date of such unfavorable action except with the unanimous consent of all but one of the members of the Planning Board.

A special permit shall lapse within two years, including such time required to pursue or await the determination of an appeal referred to in the General Laws, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. (Art. 61 A.T.M. 1968, Art. 70 A.T.M. 1971 & Art. 15 Fall A.T.M. 1984)