

Natick Planning Board
Hybrid (In-Person and Remote)
March 29, 2023, 7:00 pm
Live broadcast on Pegasus

Chair Andrew Meyer called the meeting to order at 7:05 PM. Other members present were Glen Glater, Teresa Evans, Peter Nottonson, Douglas Landry, and Associate Member Chris Therrien. Also present was Community & Economic Development Director Amanda Loomis.

Public Speak: *None*

Planning Board Business

Meeting minutes: Nov. 9, 2022, Nov. 11, 2022, Dec. 7, 2022, Dec. 21, 2022

Ms. Evans moved approval of the meeting minutes of Nov. 9, 2022, Nov. 11, 2022, Dec. 7, 2022, and Dec 21, 2022, seconded by Mr. Glater. Roll call vote 6-0. MOTION PASSED

Mr. Glater asked what day would work best for a brief Board meeting to open a public hearing, the deadline for which would be before the next scheduled meeting. Ms. Loomis said that to meet posting requirements it would have to be April 18 or 19.

Ms. Evans moved to schedule an additional meeting on April 18, 2023, at 7:00 PM, seconded by Mr. Glater. Roll call vote 6-0. MOTION PASSED

Reorganization of the Planning Board

Mr. Meyer moved for Mr. Glater to be Chair of the Board, seconded by Ms. Evans. Roll call vote 6-0. MOTION PASSED

Mr. Meyer moved for Mr. Nottonson to be Vice Chair, seconded by Ms. Evans. Roll call vote 6-0. MOTION PASSED

Mr. Meyer moved for Ms. Evans to be Clerk, seconded by Mr. Glater. Roll call vote 6-0. MOTION PASSED

Public Hearings – 2023 Spring Annual Town Meeting Zoning Articles

Article 24 - Amend Zoning Bylaw - Center Gateway Zoning District: *(contd. from March 15, 2023) To see if the Town will vote to amend the Natick Zoning Bylaw and Zoning Map to create a new zoning district (in the area of East Central Street/Union Street/Grant Street), which will serve as a transition between the Downtown Mixed-use (DM) Zoning District and the surrounding zoning districts. Amend the Zoning Bylaw to create a new § III-EE Center Gateway (CG) Zoning District Bylaw, and further amend the Zoning Bylaw to support the creation of the new CG Zoning District, which include but is not limited to amending § 200 – Definitions; § II-A.1*

Permitted Uses in Districts; § II-A.2 Use Regulation Schedule; § IV-B Intensity Regulations by Zoning District and associated footnotes; § V-D Off-Street Parking and Loading Requirements; § V-H.D. Signs and Advertising Devices; and § V.I Outdoor Lighting § VI-DD Special Permit Procedures and Site Plan Review of the Natick Zoning Bylaw, or otherwise, act thereon. And to further amend the Natick Zoning Map to create a new Center Gateway Zoning District as shown on the map on file in the Town Clerk's Office; or otherwise, act thereon.

Ms. Loomis briefed the Board on the hearing before the Finance Committee. After that hearing, it was discovered that, as the proposed zoning district was in the Aquifer Protection District (APD), projects would require a special permit. This may prevent it from meeting the MBTA Communities Act requirement for as-of-right multifamily development. Town Counsel approved the current wording, and Amanda recommended that residential mixed-use be allowed by special permit and multifamily residential be allowed with site plan review. This should not adversely affect our compliance with the MBTA Communities Act, as the APD issue can be addressed before the Act's compliance deadline of December 2024.

Mr. Meyer said the proposed zoning district, though apparently non-compliant with the MBTA Communities Act on this point, largely followed the spirit of those guidelines. He said that the special permit requirement for issue of APDs could be resolved. Mr. Landry questioned whether this affected other communities similarly.

Ms. Evans asked for clarification about whether the proposed wording of the bylaw required a special permit for residential mixed use or just an APD special permit. Ms. Loomis said it was for residential mixed use as well as one for the APD.

Mr. Landry asked what else the Finance Committee needed to vote its recommendation. Ms. Loomis said now that the Board has discussed next steps, she can brief the Finance Committee on the Board's position. Board members agreed that they would proceed with the motion as currently worded.

Ms. Loomis said that she had briefed attorney Pat Moynihan, who represents a property owner in the proposed district.

Mr. Meyer moved to close the public hearing, seconded by Ms. Evans. Roll call vote 6-0.
MOTION PASSED

Article 28 Amend Zoning Bylaw - Highway Mixed-use – I (HM-I): *(contd. From 03/15/23) To see if the Town will vote to amend the following Sections of the Natick Zoning Bylaw, § III-B Highway Mixed-use (HM-I) Districts Use Regulations; § IV.B Intensity Regulations by Zoning District by adding a new line for HM-I and further updating the existing Line for In-II & HM-1; § 324. by adding a new subsection for Intensity Regulations for HM-I; § 325 by adding a new subsection for Open Space Requirements for HM-I; § 326 by adding a new subsection for Dimensional Regulations for HM-I; and making non-substantive changes in the description of uses or otherwise act thereon. To see if the Town will vote to amend the Natick Zoning Map by expanding the HM-I Zoning District to 0 Lakeshore Campus Drive and 24 Superior Drive, in addition from the property frontage of 1 Lakeshore Campus Drive, 13 Superior Drive, 24 Superior Drive, 30 Superior Drive to the centerlines of the fronting streets or ways, as shown on*

the map; and making non-substantive changes in the description of uses or otherwise act thereon.

Documents presented: 03.29.2023 Article 28.docx

Ms. Loomis briefed the board on the updated language for the motion.

Ms. Evans asked if the map would be incorporated into the Finance Committee recommendation book for Town Meeting. Ms. Loomis said it would be.

Ms. Evans moved to close the public hearing, seconded by Mr. Meyer. Roll call vote 6-0.
MOTION PASSED

Public Hearings – Development Projects

0 Pleasant Street: *(contd. from March 15, 2023) Application of Pleasant Street Realty Trust LLC for a Special Permit Single Family Residential Cluster.*

The Board reviewed the decision for denial without prejudice. Ms. Evans noted that all of the continuances of the hearing without testimony were done at the request of the applicant.

Ms. Evans moved to sign the decision, seconded by Mr. Meyer. Roll call vote 6-0.
MOTION PASSED

1400 Worcester St: *(contd. from March 15, 2023) Application of The Hamilton Company for a Special Permit (change of use, medical office) per § III-A.2, Line 50A of the Natick Zoning Bylaw. The property is located at 1400 Worcester St (23-0000074). The project includes the renovation of three existing retail units into a single tenant medical office space.*

The Board took no action due to a defect in advertising process.

26, 32, 34 Union Street: *(contd. from March 15, 2023) Application of 26A Union Street, LLC for modifications to a previously approved Planning Board decision (7-2022) for Site Plan Review (§ VI-DD), Special Permit for Use (§ III-I.2 Independent Senior Living Overlay Option – ISLOOP). The properties are located at 26 Union Street (44-00000261), 32 Union Street (44-00000260), and 34 Union Street (44-00000259). The project proposed to increase the footprint and number of units, along with modifications to previously approved amenities.*

Attorney George Richards asked for a continuance to April 26 due to the absence of Peter Bemis, the applicant's engineer, to present an updated Site Plan.

Ms. Evans moved for a continuance to April 26, 2023, seconded by Mr. Nottonson.
Roll call vote 6-0. MOTION PASSED

Public Hearings – 2023 Spring Annual Town Meeting Zoning Articles (resumed)

Article 26 - Amend Zoning Bylaw - Open Space Cluster Development: *(contd. from March 15, 2023) To see if the Town will vote to amend the Natick Zoning Bylaw by deleting the existing §III-F Cluster Development Allowed in Certain Districts and § III-F.1 Single-Family Residential*

Cluster Option – RSA, RSB, and RSC Districts in their entirety; adding a new § III-F Open Space Cluster Development (OSRD); amending § 200 Definitions; deleting § III-A.2(a) Residential Cluster Regulations Schedule in its entirety; and making non-substantive changes relative to the addition of the ORSD Bylaw or to otherwise act thereon.

Documents presented: 03.28.2023 Article 25 Legal Review 03 29 (1).docx

Ms. Loomis updated the Board on the meeting with Mr. Stevens to discuss questions he had raised at the March 15 Board meeting. The revised draft required that 75% of the units be 2,200 SF or smaller, and that units may be on separate lots or on a common lot. She reviewed the formula for calculating the permitted number of units; what is “backed out of” the formula, dimensional regulations; and the calculation of open space. She circulated a revised draft motion for Article 26 with tracked changes for Board comment.

Comments from the Board included:

- Question about the smallest unit that could be built (*Ms. Loomis believed it was 350 SF*)
- Support for the clarity of the revised language
- Support for the affordable housing option that this could encourage

Mr. Glater asked if the Chair of the Affordable Housing Trust had been informed of this Article. Ms. Loomis said he was not made aware of the most recent edits but was aware of the Article.

Mr. Meyer moved for favorable action on Article 26, seconded by Ms. Evans.

Mr. Nottonson said he believed 1,800 SF was substantial for a cottage dwelling. He questioned how formulas and setbacks would affect calculations for very small dwelling units. Ms. Loomis said the setbacks would be applied to any size structure, and that the reference to 1,800 SF referred to all habitable spaces, porches and garages included, and that the number of units was restricted based on a formula, regardless of unit size.

Mr. Nottonson asked if a mixture of dwelling types would be allowed. Ms. Evans said it was.

Public comment:

Seth Levine, 9 Dover Rd, asked how many average-size homes could be built compared to the number that could be built under the proposed bylaw on a conforming four-acre lot. He recommended having different scenarios presented at Town Meeting to help members understand it. Ms. Evans said the numbers depended on the shape of the lot.

Mr. Levine asked for a copy of the draft document, which Ms. Loomis said would be provided.

On the motion by Mr. Meyer and Ms. Evans: Roll call vote 6-0. MOTION PASSED

Mr. Meyer moved to close the public hearing, seconded by Ms. Evans. Roll call vote 6-0.
MOTION PASSED

Article 27 - Amend Zoning Bylaw– Inclusionary Affordable Housing Requirements (contd. from March 15, 2023): *To see if the Town will vote to amend the Natick Zoning Bylaw by amending § V-J Inclusionary Affordable Housing Requirements; adding a new section to § III Inclusionary Cluster Housing; amending § 200 Definitions; and further amending the Zoning*

Bylaw to making non-substantive changes relative to inclusionary housing requirements or to otherwise act thereon.

Documents presented: 03.28.2023 Article 27 Inclusionary Housing_te_0329.docx

Ms. Loomis reviewed the draft motions for Article 27 motions A and B with tracked changes for Board comment. She noted that the original plan was to have a mandatory affordable element in Section V-J and a separate incentive section for as-of-right developers. Two important elements in the current draft are the elimination of gifts of land and the creation of units off site. The current language would use the state LIP program to record the designation of affordable units and add them to the Subsidized Housing Inventory (SHI), with affordability in perpetuity.

Mr. Landry asked how the fee-in-lieu was calculated for rental units. Ms. Loomis said other municipalities had removed the option of a fee-in-lieu. Ms. Evans said that in discussions over past years, the Affordable Housing Trust had indicated that they would prefer a lump sum fee-in-lieu, which would allow them to purchase multiple affordable units, rather than one high-value on-site unit. Mr. Glater expressed concerns about substandard “affordable” units that are built as a part of luxury developments.

Mr. Meyer raised concern about the cost of an affordability component for smaller developers. He said the incentive of additional units in exchange for affordable units for small developers was ineffective and suggested increasing the minimum number of new units.

Mr. Meyer said the one-to-one incentive with bonus units for each affordable unit was not a good model. Mr. Landry said this model would lead to an increase in the price of market-rate units to subsidize the cost of the additional affordable units.

Mr. Glater and Ms. Evans proposed removing the density bonus language of Motion B to allow more time for study, and other members agreed. Ms. Evans said the most important objective of the article was Motion A, to “disentangle” and clarify the affordable housing mandate in the Zoning By-laws. She said that if the Board chose to do so, it could develop density-bonus incentive article for Fall Town Meeting.

The Board discussed what the minimum number of new units for the affordability requirement in Motion A should be and agreed to increase it to five. Board members agreed to delete Motion B.

Ms. Evans moved for favorable action on Article 27 motion A as amended, seconded by Mr. Landry.

Mr. Nottonson asked for clarification on what “long range planning documents” meant. Ms. Loomis said that currently it could include the Natick 2030+ plan and Golden Triangle plan but was worded so as to include future planning documents. Mr. Nottonson asked for clarification of the term “assisted living residence.” Ms. Evans noted the definition in the Zoning Bylaw. Mr. Nottonson asked what constituted a “less desirable unit.” Ms. Evans offered the example of a center unit between two end units. Mr. Nottonson commented on the Local Preference section of the proposed bylaw, which he believed would be difficult to enforce.

On the motion by Ms. Evans and Mr. Landry: Roll call vote 6-0. MOTION PASSED

Ms. Evans moved to close the public hearing, seconded by Mr. Meyer. Roll call vote 6-0.
MOTION PASSED

Article 25 - Amend Zoning Bylaw - Use Regulations Schedule: *(contd. from March 15, 2023) To see if the Town will vote to amend the Natick Zoning Bylaw, § III-A.1 Permitted Uses in Districts (Zones as set out in § II-A&B) and § III-A.2 Use Regulations Schedule by substituting the letters P for Y, O for N, and A for SP, and making non-substantive changes in the description of uses or otherwise act thereon.*

Documents presented: 03.28.2023 Article 25 Legal Review_te 03 29 (1).docx

Ms. Loomis reviewed the revised motion with tracked changes for Board comment.

Mr. Meyer asked if the Article had taken into consideration anticipated comments from Paul Griesmer. Ms. Loomis said Town Counsel had reviewed them at length and did not see any potential adverse impact.

Mr. Glater asked to have the designations for district names on the top of each page and the definition of the three letters of notation at the bottom of each page.

Ms. Evans moved to recommend favorable action on Article 25, seconded by Mr. Landry.
Roll call vote 6-0. MOTION PASSED

Mr. Meyer moved to close the public hearing, seconded by Ms. Evans. Roll call vote 6-0.
MOTION PASSED

Planning Board Business *(resumed)*

Review of 2023 Annual Spring Town Meeting Warrant Articles

Ms. Evans asked for clarification on Article 31 regarding zoning for land on North Main Street.
Ms. Loomis said the Select Board had not referred the Article to the Planning Board.

Mr. Meyer asked if a motion for Article 31 was going to be taken to the Select Board. Sponsor Ken Philips, who spoke by phone, said he had asked the Select Board to refer the article to the Planning Board, and explained. Mr. Meyer said the area north of Natick Center would be a good location for a gateway district to consider at Fall Town Meeting if Article 24 passed in the spring.

Adjournment

Mr. Landry moved to adjourn at 9:27 PM, seconded by Mr. Meyer. Roll call vote 6-0.
MOTION PASSED