

ZONING BYLAWS

Town of Natick, Massachusetts



November 2025

Includes amendments through
2025 Spring Annual Town Meeting

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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** (Art. 17, Fall ATM 10/19/2023)

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.

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 Dwelling Unit (ADU): per MGL c. 40A §1A, an Accessory Dwelling Unit (ADU) is a self-contained Residential Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities on the same lot as a Principal One-Family Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal One-Family Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is

not larger in floor area than half (1/2) the floor area of the Principal One-Family Dwelling or nine-hundred (900) square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on Short-term Rental of ADU, as defined in section 1 of chapter 64G, as further defined herein; provided, however, that no municipality shall unreasonable restrict the creation or rental of an accessory dwelling unit that is not a Short-term Rental. (Art. 20, Fall ATM, 10/17/2024)

Accessory Dwelling Unit Gross Floor Area: See Gross Floor Area, Accessory Dwelling Unit (Art. 20, Fall ATM, 10/17/2024)

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 Day Care Facility: A building or structure where care, protection, and supervision are provided, on a regular schedule to adults over the age of eighteen (18) years. (Art. 22, Fall ATM, 10/17/2024)

Adult Use Establishment

Per Section 323.4 of these Zoning Bylaws, Adult Use Establishments are defined as follows (Art. 22, Fall ATM, 10/17/2024):

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)

Agriculture (Farm): Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon

forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. Agriculture does not include marijuana or marijuana related businesses. (Art. 21, 2024 Spring ATM, 05/09/2024)

Agri-tourism: A range of uses accessory to an agricultural use including, but not limited to, restaurants or similar food service establishments, outdoor dining, indoor or outdoor events, inns or similar specialty lodging, and retail stores with agricultural, food, craft, art or similar products. (Art. 21, 2024 Spring ATM, 05/09/2024)

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. *

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)

Animal or Veterinary Hospital A place where animals or pets are given medical or surgical treatment, and the Boarding of animals is limited to short term care incidental to the use. (Art. 22, Spring ATM, 05/06/2025)

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. *

Applicant: A property owner or the property owner's designee, who submits a land use application regarding the property owner's land. (Art. 23, Fall ATM, 10/17/2024)

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. *

Aquifer: Areas of permeable deposits of rock or sand and gravel containing significant amounts of potentially recoverable potable water with saturated thicknesses greater than fifty (50) feet. (Art. 23, Fall ATM, 10/17/2024)

Aquifer Recharge Area: Areas of permeable deposits with saturated thicknesses less than fifty (50) feet, which are hydraulically connected to and located up gradient of an Aquifer or Aquifer Recharge Areas. (Art. 23, Fall ATM, 10/17/2024)

Aquifer Protection District (APD): An overlay district that is comprised of an Aquifer and Aquifer Recharge Areas. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this district. (Art. 23, Fall ATM, 10/17/2024)

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

Artisan Production and Workshop: A small-scale facility in which 10 or fewer employees are involved in the on-site production of hand-fabricated or hand manufactured parts and/or custom or craft consumer goods through the use of hand tools or small scale, light mechanical equipment, and which may include showrooms and ancillary sales of goods produced on-premises. (Art. 22, Fall ATM, 10/17/2024)

As of Right: A development that may proceed under a zoning bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. (Art. 23, 2024 Spring ATM, 05/09/2024)

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".

Bed and Breakfast Establishment: A private owner-occupied structure where not less than four (4) rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance, as the term is defined in MGL c. 64G. (Art. 21, 2024 Spring ATM, 05/09/2024)

Bed and Breakfast Home: A private owner-occupied residential dwelling that has been deemed historic by the Historical Commission or a Historical District Commission, as that term is defined in MGL c. 64G, where three (3) or fewer bedrooms are let overnight and a breakfast is included in the rent, as an accessory use. (Art. 21, 2024 Spring ATM, 05/09/2024)

Best Management Practice (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce the quantity of, or improve the quality of Stormwater Runoff. (Art. 23, Fall ATM, 10/17/2024)

Boarding 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. (Art. 21, 2024 Spring ATM, 05/09/2024)

Body Art: The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, permanent cosmetics, branding and/or scarification. This definition shall not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall be performed in a Body Art Establishment. (Art. 20, Spring ATM, 05/06/2025)

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).*

Buildable Envelope, Allowable: a three (3) dimensional space within which a Structure is permitted to occupy. Height, setbacks (front, side, and rear), building coverage and similar restrictions establish the building envelope. (Art. 20, Fall ATM, 10/17/2024)

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.◊

Business Incubator Space A place where individual small business owners or employees, remote workers, or freelancers can work alongside one another in a common space, or a business incubator, where individuals working to launch a new business can rent space in which to perform office work and access shared resources such as office equipment and other tools and services such as financial counseling and management training. A flex office may also be used for light manufacturing or makerspace. (Art. 22, Spring ATM, 05/06/2025)

Business Training Center A facility that provides education and training programs designed to enhance skills, knowledge, and attitudes necessary for business success, encompassing various aspects like management, technology, and industry-specific skills. (Art. 22, Spring ATM, 05/06/2025)

By-right: See “As of Right” (Art. 23, 2024 Spring ATM, 05/09/2024)

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 IIIA.2*

Child Care Facility: A licensed nursery school, day care, child care program for school-aged children, or other use for the day care of children as defined in MGL c. 15D, §1A. (Art. 3, S.T.M. #1, 5/9/17; Art. 21, 2024 Spring ATM, 05/09/2024)

Club: Building(s), structure(s), and premise(s) used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization. (Art. 22, Fall ATM, 10/17/2024)

Clubhouse: See Club (Art. 22, Fall ATM, 10/17/2024)

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 Dog Kennel as defined herein, 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 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. 4/9/2019; Art. 21, 2024 Spring ATM, 05/09/2024)

Commercial Breeder Dog Kennel: An establishment, other than a Personal Dog Kennel or 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. 4/9/2019; Art. 21, 2024 Spring ATM, 05/09/2024)

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. *

Community Center: A building, portion of a building, a multipurpose center used for recreational, social, educational, or cultural community activities operated by a non-profit or public agency. Such a location would be open to the public for such functions, which include

by not limited to performances, dance, exhibits, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As a part of these functions and activities, it shall be permissible to serve food, subject to other Town licenses and permits. (Art. 22, Fall ATM, 10/17/2024)

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)

Continuum of Care Retirement Community: An establishment located in one or more structures on a lot that offers residential housing with healthcare services to meet the needs of an individual as they age in place, which may include independent living with home-care services and long-term care. (Art. 21, 2024 Spring ATM, 05/09/2024)

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

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)

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 10/15/2019)

Curb-Cut Closure: the closing of a Curb-Cut onto a double lane public way (Art. 1, S.T.M. #2, 12/3/2002)

Development: means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

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

Drive-thru Restaurant: a restaurant with a vehicular queuing lane and a service window, where food and/or drink service to the exterior of the building by means of service window, counter, or similar method or device, while the customer remains in a vehicle. (Art. 22, Fall ATM, 10/17/2024)

Drive-thru Retail: a use that is wholly incidental to a local retail business establishment, with a vehicular queuing lane and a window where patrons place orders or receive services, or both, while seated in a vehicle. (Art. 22, Fall ATM, 10/17/2024)

Dwelling, Cottage: A building containing one (1) One-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; Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling, Multi-Family: A residential building containing three (3) or more dwelling units, other than a Town House Dwelling. (Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling, One-Family: A Residential Dwelling containing one dwelling units which is not attached to any other dwelling by any means and is surrounded by open space or yards on all sides. (Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling, Principal One-Family: For the purposes of § III-M Accessory Dwelling Units (ADU), the One-Family Dwelling will be the primary use, while the ADU will be the accessory use on the Lot. The ADU may be attached or detached to the Principle One-Family Dwelling. Where an ADU is located in a detached Building, the entirety of the Building shall only be utilized by the ADU. (Art. 20, Fall ATM, 10/17/2024)

Dwelling, Residential: A permanent Structure or Building that is designed primarily for use as human habitation. (Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling, Townhouse: A dwelling containing three (3) or more dwelling units in a row in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over one another dwelling unit, and each dwelling units is separated from any other dwelling unit by one or more party walls. (Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling, Two-Family: A Residential Dwelling containing two dwelling units that is not attached to any other dwelling by any means and is surrounded by open space or yards on all sides. (Art. 21, 2024 Spring ATM, 05/09/2024)

Dwelling Unit: A unit within a Residential Dwelling intended to be used as a residence, that is primarily long-term in nature and do not include Boarding Houses, Assisted Living Residences, Continuum Care Retirement Community, inpatient medical rooms, hotels, or similar uses. (Art. 21, 2024 Spring ATM, 05/09/2024)

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, 11/1/2016)

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, 10/16/2018)

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, 10/18/2005)

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: One (1) or more individuals living together as a single unit and occupying one (1) Dwelling Unit. (Art. 21, 2024 Spring ATM, 05/09/2024)

Family Suite – See Accessory Dwelling Unit (ADU). Prior to February 3, 2025, Family Suites were permitting in the Single Residential (RS) Zoning Districts (RSA, RSB, and RSC) by special permit from the Zoning Board of Appeals (ZBA). A Family Suite was defined as an accessory dwelling unit, in a principal One-Family Dwelling, for occupancy by a resident who is related by blood, marriage, or adoption to the owner of the principal Residential Dwelling. (Art. 20, Fall ATM, 10/17/2024)

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, 10/16/2018)

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. *

Flood Boundary and Floodway Map: means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.) (Art. 17, Spring ATM, 05/06/2025)

Flood Hazard Boundary Map (FHBM): An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

Floodway: The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202] (Art. 17, Spring ATM, 05/06/2025)

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. *

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14] (Art. 17, Spring ATM, 05/06/2025)

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, 12/03/2002)

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

Garage, Private: Covered space for the housing of four (4) or fewer motor vehicles for non-residential uses, including no more than one (1) commercial vehicle that 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. (Art. 21, 2024 Spring ATM, 05/09/2024)

Garage, Public: A building or structure not associated with a residential use 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.*

Garage, Residential Detached: A detached structure not to exceed one garage structure per lot, which is accessory to a residential building and is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public. *

Garage, Residential Structured: Above or below ground parking of vehicles in connection with a Residential Mixed Use Development or Multi-Family Dwelling. (Art. 21, 2024 Spring ATM, 05/09/2024)

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 Course or Driving Range: A recreational facility for the practice, instruction, and playing of golf by natural light only. Accessory structures or uses associated with the Golf Course or Driving Range are permitted, which may include but not limited to a Clubhouse (public or private), restaurant, pro-shop, maintenance and storage structures for grounds maintenance equipment. Miniature golf shall be classified as Indoor or Outdoor Amusement Facility. (Art. 22, Fall ATM, 10/17/2024)

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. The Gross Floor Area of a Principal One-Family Dwelling or an Accessory Dwelling Unit (ADU), shall be calculated per 760 CMR 71.00, as amended ~ (Art. 20, Spring ATM, 05/06/2025)

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

Groundwater: Subsurface water present in delineated Aquifers and Aquifer Recharge Areas. (Art. 23, Fall ATM, 10/17/2024)

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 (7113) 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. *

Hazardous Waste: Materials as defined pursuant to MGL c 21E, § 2 (Art. 23, Fall ATM, 10/17/2024)

Health Care Facility: Two (2) or more medical practices, an equivalent aggregation of medical offices, hospital, diagnostic and health care professional offices, dialysis center, imaging center, radiology center operating in the same building or on the same property, which may also contain associated accessory uses such as diagnostic testing facilities, physical therapy, therapeutic or counseling services,

pharmacies, medical supply retailers, and similar uses. A Health Care Facility shall not include medical or rehabilitation residential facilities. (Art. 22, Spring ATM, 05/06/2025)

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.◊

Highest Adjacent Grade: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

Historic Structure: means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

(Art. 17, Spring ATM, 05/06/2025)

Home Child Care, Large: An accessory use to a residential dwelling, allowing more than six (6) and not more than ten (10) children in care, as defined in MGL c. 15D, § 1A, provided that said dwelling and provider have received a license from the Department of Early Education and Care to provide family day care, as defined by MGL c. 15D. (Art. 21, 2024 Spring ATM, 05/09/2024)

Home Child Care, Small: An accessory use to a residential dwelling, allowing not more than six (6) children in care, as defined in MGL c. 15D, § 1A, provided that said dwelling and provider

have received a license from the Department of Early Education and Care to provide family day care, as defined by MGL c. 15D. (Art. 21, 2024 Spring ATM, 05/09/2024)

Home Occupation: Any business, occupation, or activity undertaken for gain within a residential structure, by a person residing in the structure that is incidental and secondary to the use of that structure as a dwelling unit. 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; (9) 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 that is not customary in a residential building. (Art. 17, 1987 FALL A.T.M.; Art. 21, 2024 Spring ATM, 05/09/2024)

Home Occupation Dog Kennel: A Home Occupation Dog Kennel shall comply with the requirements outlined in the definition of the Home Occupation, above, in addition to the following, 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; Art. 21, 2024 Spring ATM, 05/09/2024)

Hotel: An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms, and other support services may be included. Access to the individual sleeping rooms is through a lobby and interior hallway. (Art. 1, S.T.M. #2, 12/03/2002; Art. 21, 2024 Spring ATM, 05/09/2024)

Housing Trust Fund Contribution: A contribution to a trust fund, maintained by any public agency, or private nonprofit 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)

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying ground. Impervious Surface includes, without limitation, roads, paved parking lots sidewalks, tennis/sport courts, and rooftops. (Art. 23, Fall ATM, 10/17/2024)

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 Amusement Facility: A facility specifically for amusement activities such as a movie theater, dance hall, Performing Arts Center, trampoline park, adventure courses, amusement rides, bowling alley, billiard room, race track, or arcade, where all activities associated with the use are entirely within a structure. Such facility may include the sales of food and drink, which may be located inside or outside of the structure. (Art. 22, Fall ATM, 10/17/2024)

Indoor Recreational Facility: A facility designed and equipped for the conduct and instruction of sports and recreation such as ice skating, roller skating, racquet ball, tennis, swimming, golfing, body building, fitness training, swimming pools, field sports (soccer, lacrosse, field hockey, football) and court sports (basketball, tennis, volleyball), boxing, aerobics, yoga, dancing, martial arts, bowling, ball games, miniature golf, or similar customary and usual sports and recreational activities, where all activities are entirely within a structure. Such facility may include the sales of food and drink, which may be located inside or outside of the structure. (Art. 22, Fall ATM, 10/17/2024)

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, 10/16/2018)

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. *

Laboratory A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, engineering, geology, medicine and physics. (Art. 22, Spring ATM, 05/06/2025)

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. ~

Leachable Wastes: Waste materials including without limitation solids, sewage sludge and agricultural residue, which may release water-borne contaminants to the surrounding environment. (Art. 23, Fall ATM, 10/17/2024)

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, 10/19/2021)

Live Music Establishment: A location where live music is played for guests of the establishment. Such establishment may include but not limited to Restaurants, Café, Community Center, and Performing Arts Center, but shall not include used defined as Adult Entertainment or associated uses. (Art. 22, Fall ATM, 10/17/2024)

Lodge: See Club (Art. 22, Fall ATM, 10/17/2024)

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., 10/10/2000)

Lot Area: The total square footage of horizontal area within the Lot Line(s). (Art. 20, Fall ATM, 10/17/2024)

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

Lot Coverage: The area of a Lot covered by Building(s) or Structure(s), including, but not limited to all accessory structures, roof overhangs, swimming pools that is expressed as a percentage of the total Lot Area. (Art. 20, Fall ATM, 10/17/2024)

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 Impact Development (LIP): A comprehensive land planning and engineering design strategy that seeks to maintain a Lot's pre-development ecological and hydrological function through the protection, enhancement, or mimicry of natural processes. LID systems and practices emphasize reduction of effective imperviousness and conservation and use of existing natural Site features integrated with distributed small-scale Stormwater controls to result in treatment, infiltration, evapotranspiration, use of Stormwater close to its source. (Art. 23, Fall ATM, 10/17/2024)

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, 2/3/1993)

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 exit-way access, (b) the exit-way and (c) the exit-way 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)

MGL: Massachusetts General Law (Art. 23, 2024 Spring ATM, 05/09/2024)

Mining of Land: The removal or relocation of geologic materials for extracting topsoil, sand and gravel, metallic ores, or bedrock materials. (Art. 23, Fall ATM, 10/17/2024)

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: development containing a mix of non-residential uses, including, without limitation, commercial, institutional, industrial, or other uses (Art. 22, Fall ATM, 10/17/2024)

Mixed-use Development, Residential: development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial, or other uses (Art. 22, Fall ATM, 10/17/2024)

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: An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms, and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway. (Art. 21, 2024 Spring ATM, 05/09/2024)

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: See Dwelling, Multi-Family (Art. 21, 2024 Spring ATM, 05/09/2024)

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. 10/20/2020)

New Construction: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14] (Art. 17, Spring ATM, 05/06/2025)

Non-bonus 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, 4/20/2015; 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. *

Outdoor Amusement Facility: A facility specifically for amusement and entertainment uses, which may include adventure courses, drive-in or outdoor movie theater, racetracks, billiard room, mini golf course, or arcade. Such facility may include the sales of food and drink, which may be located inside or outside of a structure. All outdoor lighting must be turned off when outdoor facilities are not in use, or by 10:00 pm on Sundays through Thursdays, and by 11 pm

on Fridays and Saturdays, whichever is earlier. The use shall not include an Amusement Park. (Art. 22, Fall ATM, 10/17/2024)

Outdoor Recreation Facility: A facility designed and equipped for the conduct and instruction of sports and recreation such as ice skating, rowing, roller skating, racquet ball, tennis, swimming, fitness training, swimming pools, field sports (soccer, lacrosse, field hockey, football, baseball and softball), court sports (basketball, tennis, volleyball), aerobics, yoga, dancing, martial arts, bowling, miniature golf, or similar customary and usual sports and recreational activities. Such facility may include the sales of food and drink, which may be located inside or outside of a structure. All outdoor lighting must be turned off when outdoor facilities are not in use, or by 10:00 pm on Sundays through Thursdays, and by 11 pm on Fridays and Saturdays, whichever is earlier. The use shall not include a shooting range, Golf Course, Driving Range, drive-in or outdoor movie theater. (Art. 22, Fall ATM, 10/17/2024)

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 or shared wall between two or more Residential Dwellings. (Art. 21, 2024 Spring ATM, 05/09/2024)

Pedestrian Circulation Improvement: A public benefit amenity in the form of a pathway, offsite 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.

Peer Review Consultant: A professional consultant hired by the Planning Board, or Zoning Board of Appeals (ZBA), or other reviewing authority of the Town pursuant to MGL c. 44, § 53G. (Art. 23, 2024 Spring ATM, 05/09/2024; Art. 17, 2025 Spring ATM, 05/06/2025)

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: Five (5) or more dogs, three (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. 04/09/2019; Art. 21, 2024 Spring ATM, 05/09/2024)

Personal Services Establishment: A type of retail or consumer service establishment whose principal use is to provide non-professional services directly to the consumer, including but not limited to hair, skin and nail care, tailoring, repair of shoes and other household items, electronics repair, bicycle repair, self-service or drop-off laundry (including off-site dry cleaning), printing, copying, and photographic services, mailing and shipping services, or similar services, but not including Body Art Establishments or the servicing of automobiles. (Art. 22, Fall ATM, 10/17/2024)

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 10/16/2018)

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

Principal One-Family Dwelling: See Dwelling, Principal One-Family (Art. 20, Fall ATM, 10/17/2024)

Professional Office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including office of a professional, advertising, editing, composition (but not a printer) employment agency, civic or social association, office of a manufacturer's representative or salesperson, and computer software and technology development. (Art. 22, Spring ATM, 05/06/2025)

Professional Medical Office (Medical, Dental, or Psychiatric Office) A building or individual unit that is occupied by one (1) medical practice, within the building that are designed and used as an office for the diagnosis and treatment of human patients on an outpatient basis that does not include overnight care facilities or licensing as a clinic. (Art. 22, Spring ATM, 05/06/2025)

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. ◇

Radioactive Materials: Any materials that have a concentration that exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20 (Standards for Protection Against Radiation). (Art. 23, Fall ATM, 10/17/2024)

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. *

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil. (Art. 23, Fall ATM, 10/17/2024)

Recreational Vehicle: means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59] REGULATORY FLOODWAY - see FLOODWAY. (Art. 17, Spring ATM, 05/06/2025)

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, 10/18/2005)

Religious Institution: A place of worship and other religious institutions or purposes exempted from prohibition, regulation, or restriction as provided in MGL c. 40A, § 3. (Art. 21, 2024 Spring ATM, 05/09/2024)

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. 10/20/2009)

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. 10/20/2009)

Research and Development (R&D) Research, development, and testing conducted in dry labs, wet labs, or other types of facilities related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, which may include the development of mockups and prototypes but not the manufacture of finished products, provided all activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor shall not be detectable beyond the property lines of the property abutting a residential area and shall otherwise comply with the Town's Noise Bylaw. (Art. 22, Spring ATM, 05/06/2025)

Residential Mixed-use Development: See Mixed-use Development, Residential (Art. 22, Fall ATM, 10/17/2024)

Restaurant: An establishment that serves food and beverages (including alcoholic beverages served with meals, if properly licensed). A restaurant may not offer drive-thru window service. (Art. 22, Fall ATM, 10/17/2024)

Restaurant, Drive-thru: See Drive-thru Restaurant (Art. 22, Fall ATM, 10/17/2024)

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. 4/12/2011)

Road Link: A roadway connecting to a double lane public highway. (Art. 1, S.T.M. #2, 12/3/2002)

School: A public, religious, sectarian, or private maintained primarily for educational purposes per MGL c. 40A, § 3. (Art. 54 Spring A.T.M., 04/17/1997; Art. 21, 2024 Spring ATM, 05/09/2024)

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., 10/17/2017)

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, 12/3/2002)

Short-term Rental: Any rental of a Residential Dwelling Unit, or of a bedroom within a Residential Dwelling, in exchange for payment, as residential accommodations for a duration of less than thirty-one (31) consecutive days, but not a Bed and Breakfast Establishment, Bed and Breakfast Home, Boarding House, Hotel, or Motel. (Art. 20, Fall ATM, 10/17/2024)

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

Site Plan Review: A review of a proposed use of land or structure(s) that is utilized to determine whether a proposed use of land or structure(s) is in compliance with sound site utilization principles relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, storm water drainage, screening, signage and exterior lighting, visual impact of parking, storage or other outdoor service area, and consistency with the bulk character and scale of the surrounding buildings. (Art. 23, 2024 Spring ATM, 05/09/2024)

Site Plan Review, Limited: No zoning bylaw in Natick shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. — MGL c. 40A, § 3, third para. (Art. 23, 2024 Spring ATM, 05/09/2024)

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 10/17/2017)

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 10/24/2017)

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 10/17/2017)

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 (10/17/2017)

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including, without limitation, rubbish, garbage, scrap material and landscape refuse. (Art. 23, Fall ATM, 10/17/2024)

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

SPGA: Special Permit Granting Authority (Art. 23, 2024 Spring ATM, 05/09/2024)

Special Flood Hazard Area: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH. [Base Code, Chapter 2, Section 202] (Art. 17, Spring ATM, 05/06/2025)

Special Permit: A discretionary permit that may be granted based on the evaluation of a complete application that meets the requirements of these Zoning Bylaws and advances the goals and policies of Natick’s long-range planning documents and the Town’s Comprehensive Plan. (Art. 23, 2024 Spring ATM, 05/09/2024)

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 10/15/2019)

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

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202] (Art. 17, Spring ATM, 05/06/2025)

Stormwater: Runoff from precipitation or snowmelt and surface water runoff and drainage. (Art. 23, Fall ATM, 10/17/2024)

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. *

Structure: Per § III-A.3 of these Zoning Bylaws for the purposes of floodplain management, a Structure shall be a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a

pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC] (Art. 17, Spring ATM, 05/06/2025)

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 10/16/2018)

Town House: See Townhouse Dwelling (Art. 21, 2024 Spring ATM, 05/09/2024)

Tourist Home: See Boarding House

Toxic or Hazardous Substances: Any material which, because of its quantity; concentration; chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics; either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000. (Art. 23, Fall ATM, 10/17/2024)

Trailer: A nonautomotive 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)

Variance: VARIANCE Per § III-A.3 of these Zoning Bylaws for the purposes of floodplain management, a Variance shall mean a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

Violation: Per § III-A.3 of these Zoning Bylaws for the purposes of floodplain management, Violation shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59] (Art. 17, Spring ATM, 05/06/2025)

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, 2/3/1993)

(*) - (Art. 25, FALL A.T.M., 10/10/1995)

(Ⓜ) - (Art. 24, FALL A.T.M., 10/03/1996)

(>) - (Art. 48, SPRING A.T.M., 4/17/1997)

(◊) – (Art. 30, FALL A.T.M., 10/8/1998)

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SECTION II – USE DISTRICTS

A. Types of Districts, page II-1

B. Locations of Districts (Zones), page II-2

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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 STM 6/17/1969)
Administrative & Professional	AP (Art. 8 STM 4/29/1975)
Downtown Mixed Use	D M
Commercial Two	CII
Industrial One	InI
Industrial Two	InII
Hospital	H (Art. 9 STM 1973)
Flood Plain	FP (Art. 73 ATM 1971 & Art. 76 ATM 1973)
Highway Mixed Use - I	HM-I (Art 1 STM 3/20/1979)
Highway Mixed Use - II	HM-II (Art. 3 STM 3/20/1979)
Highway Mixed Use - III	HM-III (Art 1 Fall Session ATM 10/6/1981)
Limited Commercial	LC (Art. 6 STM 3/20/1979)
Highway Planned Use	HPU (Art. 1 STM #3 10/27/1981)
Regional Center Overlay District	RC (Art. 7, STM #1, 2/3/1993)
Highway Corridor Overlay District	HC (Art. 7, STM #1, 2/3/1993)
Mall Center Overlay District	MC (Art. 1, STM #2, 12/3/2002)
Housing Overlay Option Plan – I	HOOP – I (Art. 27, Spring ATM 4/15/2004)
Housing Overlay Option Plan – II	HOOP – II (Art. 27, Spring ATM 4/15/2004)
Regional Center Mixed-Use Overlay District	RCP (Art. 1, Fall STM #1, 10/18/2005)
Independent Senior Living Overlay Option Plan”	ISLOOP (Art. 41, Spring ATM, 4/11/2017)
Assisted Living Overlay Option Plan	ALoop (Art. 34, Spring ATM, 4/10/2018)
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, 10/16/2018)
Center Gateway	CG (Art. 24, Spring ATM, 05/24/2023)

(See Section IV-B for Intensity Regulations) (Art. 45 A.T.M 04/27/2010 – deleted Drive in Theatres “D”)

II-B LOCATION OF DISTRICTS (Zones)

1. Said districts (Paragraph II-A above) are located and bounded as shown on a map entitled "Zoning Map of Natick, Massachusetts.", on file in the offices of the Town Clerk and Town Planning Board dated February 10, 1960. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this bylaw and shall be re-issued annually by the Planning Board to incorporate such amendments as may be made by Town Meeting action and approved as required by the Attorney General of the Commonwealth of Massachusetts.
2. Where a boundary is shown as following a street, railroad or utility, the boundary shall be the center line thereon unless otherwise indicated.
3. Where a boundary is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the center line thereof, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.
4. Where a boundary is shown as following a water-course, the boundary shall coincide with the center line thereof as said line existed at the date of the zoning map.
5. Where the location of a boundary line is otherwise uncertain, the Building Inspector shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale.
6. Where a boundary is shown as following a contour line, this line shall be the contour line of the indicated elevation above mean sea level as shown on all applicable topographic maps of Natick by the Geological Survey, United States Department of the Interior, or any other Town accepted survey map, corrected to the U.S.G.S datum plane. (Art. 73 A.T.M. 1971 & Art. 76 A.T.M. 1973).

(Art. 1, Special Town Meeting #1, 5/9/2017)

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SECTION III – USE REGULATIONS

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SECTION III - USE REGULATIONS

III-A.1 PERMITTED USES IN DISTRICTS (ZONES AS SET OUT IN SECTION II-A & B)

- a. In such Districts no building or structure shall be erected or used and no premises shall be used except as set forth in the "Use Regulations Schedule" herein and in accordance with the following notations:

- Y** - As of Right use, may be subject to §VI-DD.2 Site Plan Review
- N** - Excluded or prohibited use
- SP** - Special Permit use, subject to §VI-DD.1 Special Permit

(Art. 23, 2024 Spring ATM, 05/09/2024)

- b. Permitted uses and uses allowed by the Special Permit Granting Authority shall be in conformity with the provisions of Section IV-B and shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, noise vibration, or danger of explosion or fire.

(Art. 25, Spring ATM, 05/02/2023)

III-A1 WATER RESOURCES PROTECTION DISTRICT

(Deleted, Art. 15, Fall A.T.M., Oct. 7, 1986)

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Section III – A.2 Use Regulation Schedule

		RG	RM	RS	PCD	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC	
A. RESIDENTIAL USES (primary) (Art. 24, Fall ATM, 10/17/2024)																
A1.	One-Family Dwelling	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	Y	
A2.	Alteration and conversion of a One-Family Dwelling existing at the time of the adoption of this by-law, to accommodate Two-Family Dwelling if located on a lot having an area at least twenty-five percent greater than required for a One-Family Dwelling	Y	Y	N	N	N	N	N	N	N	N	N	N	N	Y	
A3.	Two-Family Dwelling	Y	Y	N	N	N	Y	N	N	N	N	SP	N	N	Y	
A4.	Town House Dwelling	Y	Y	N ¹	SP	SP	Y	N	N	N	N	Y	N	N	Y	
A5.	Multi-Family Dwelling	N	Y	N	Y	N	Y ^f	N	N	N	N	Y ^f	N	N	N	
A6.	Residential Mixed-use Development	N	N	N	N	SP	Y ^f	N	N	N	N	Y ^f	N	N	N	
A7.	Open Space Residential Development (OSRD), See § III-F ¹	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N	
A8.	Historic Preservation, See § III-J	SP	SP	SP	N	SP	SP	SP	N	N	N	SP	N	N	SP	
A9.	Continuum of Care Retirement Community	SP	N	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	
A10.	Assisted Living Residence, See § III.I.1 and 3.	SP	SP	N	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	N	
HM-II - See Highway Mixed Use-II District regulations at Section III-C HM-III - See Highway Mixed Use-III District regulations at Section III-G HPU - See Highway Planned Use regulations at Section III-G																
B. RESIDENTIAL USES (accessory) (Art. 20, Fall ATM 10/24/2024)																
B2.	Home Occupation	SP	Y	SP	SP	N	Y	SP	N	N	N	SP	N	N	Y	
B3.	Residential Detached Garage	Y	Y	Y	Y	N	Y	N	SP	SP	N	SP	N	N	SP	
B4.	Residential Structured Garage	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	N	N	SP	
B5.	Home Occupation Dog Kennel	SP	N	SP	N	N	N	SP	N	N	N	N	N	N	N	
B6.	Personal Dog Kennel	SP	N	SP	N	N	N	SP	N	N	N	N	N	N	N	
B7.	Home Child Care, Small (See MGL c. 15D)	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	N	N	Y	
B8.	Home Child Care, Large (See MGL c. 15D)	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	N	N	Y	
C. TRANSIENT ACCOMMODATION USES																
C1.	Boarding House	Y	N	N	N	N	SP	N	N	N	N	SP	N	N	N	
C2.	Bed and Breakfast Establishment	SP	N	N	N	N	SP	N	N	N	N	SP	N	N	SP	
C3.	Bed and Breakfast Home	SP	SP	SP	N	N	SP	N	N	N	N	SP	N	N	SP	
C4.	Hotel	N	Y	N	N	N	SP	Y	N	SP	N	SP	SP	Y	N	
C5.	Motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
D. RECREATIONAL, AMUSEMENT, ENTERTAINMENT USES (Art. 22, Fall ATM, 10/17/2024)																
D1.	Indoor Recreational Facility	SP	SP	N	N	N	Y	Y	Y	Y	N	Y	SP	SP	Y	
D2.	Outdoor Recreational Facility	SP	SP	SP	N	N	SP	SP	Y	Y	SP	SP	SP	SP	SP	
D3.	Indoor Amusement Facility	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	SP	Y	
D4.	Outdoor Amusement Facility	N	N	N	N	N	N	SP	SP	SP	N	SP	N	SP	SP	
D5.	Golf Course	SP	SP	SP	N	N	N	SP	SP	SP	N	N	SP	SP	Y	

		RG	RM	RS	PCD	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
D6.	Outdoor Driving Range	N	N	SP	N	N	N	SP	SP	SP	N	N	SP	SP	N
D7.	Theater or Performing Arts Center	N	N	N	N	N	SP	SP	SP	SP	N	SP	N	N	N
D8.	Event or Conference Center	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP ²	SP ²	SP
D9.	Community Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
D10.	Club, Clubhouse, or Lodge	Y	N	SP	SP	N	Y	N	N	N	N	Y	N	N	Y
D11.	Adult Day Care Facility	N	N	N	N	SP	SP	Y	SP	SP	Y	SP	SP	SP	SP
E. AGRICULTURAL AND NATURAL RESOURCE USES															
E1.	Exempt agricultural uses and structures as set forth in MGL c. 40A, §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
E2.	Farm, including but not limited to the raising, keeping and sale of cattle, horses, sheep, goats, bees and for the growing and sale of all agricultural products including fruits, vegetables, flowers, hay and grain, all dairy produce, and eggs, not otherwise exempt by State Statute	SP	N	SP	N	N	N	SP	N	N	N	N	N	N	N
E3.	Horseback riding areas or stables	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
E4.	Farm stand or truck garden	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	N	N	SP
E5.	Greenhouse and nursery not otherwise exempt by State Statute	Y	N	Y	N	N	N	SP	N	N	N	N	N	N	N
E6.	Agri-tourism, See § V-B.2	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
F. RETAIL OR CONSUMER SERVICE ESTABLISHMENT USES (Art. 22, Fall ATM, 10/17/2024)															
F1.	Mixed-use Development	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
F2.	Ancillary Outlet ³ (Art. 28, Spring Town Meeting 4/14/15)	N	N	N	N	N	N	N	SP	N	N	SP	N	N	N
F3.	Retail stores	N	N	N	SP	Y	Y	Y	N	N	N	Y	N	N	Y
F4.	Retail, Drive-thru	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP
F5.	Artisan Production and Workshop	N	N	N	N	Y	Y	Y	Y	Y	N	Y	N	N	Y
F6.	Wholesale store or showroom	N	N	N	N	N	N	Y	Y	Y	N	N	SP ²	SP ²	Y
F7.	Personal Service Establishment	N	N	N	SP	N	Y	Y	SP	SP	N	Y	SP ²	SP ²	Y
F8.	Adult Uses Establishments, See Section 323.4 (Art. 48, Spring A.T.M., 4/17/97)	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F9.	Body Art Establishments (Art. 37, Spring A.T.M., 4/24/01; Art. 20, S ATM, 05/06/2025))	N	N	N	N	N	Y	Y	SP	SP	N	Y	SP ²	SP ²	N
F10.	Restaurant (excluding outdoor dining)	N	N	N	N	N	Y	Y	N	N	N	Y	SP ²	SP ²	Y
F11.	Restaurant, Accessory Outdoor Dining	N	N	N	N	N	SP	Y	N	N	N	Y	Y ²	Y ²	SP
F12.	Restaurant, Drive-thru	N	N	N	N	N	N	SP	N	N	N	N	N	N	N
F13.	Undertaking establishment or funeral home	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
F14.	Cemetery	SP	N	SP	N	N	N	N	N	N	N	N	N	N	N
F15.	Library, museum, or art gallery	Y	N	Y	N	Y	Y	Y	N	N	N	Y	SP	SP	Y
F16.	Commercial Boarding or Training Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP
F17.	Commercial Breeder Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP
Note: For districts HM-II, HM-III, HPU see Section III															
G. MOTOR VEHICLE RELATED SALES AND SERVICE USES															
G1.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services excluding used-car lots.	N	N	N	N	N	SP	Y	N	N	N	N	N	N	Y

		RG	RM	RS	PCD	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
G2.	Limited salesroom for motor vehicles (Article 5, FTM, 10/15/13)	N	N	N	N	N	SP	SP	N	N	N	N	N	N	Y
G3.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with repair services and storage including used-car lots.	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G4.	Repair garage for motor vehicles.	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G5.	A facility exclusively for, or whose principal activity is, the changing of oil and related lubrication services on motor vehicles.*	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G6.	Motor freight or other transportation terminals; yards for the servicing of trucks and trailers.	N	N	N	N	N	N	N	N	SP	N	N	SP	N	N
G7.	Carwash **	N	N	N	N	N	N	SP	N	N	N	N	N	N	N
G8.	Commercial parking lot or parking garage, filling or service station.*	N	N	N	N	N	SP	SP	SP	N	N	N	N	N	N
G8a.	The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	Y
G9.	Auto body, soldering, or welding shop.	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N

* For the Aquifer Protection District See Section III.A.5-5b).2. (Art. 22, Fall ATM, 10/5/93)

** Mechanical vehicular washing system using water and chemical additives.

H. TRANSPORTATION, COMMUNICATION, UTILITY USES

H1.	Private landing area to be used solely for the landing, taking off, and storage of privately owned airplanes and/or helicopter.	SP	N	SP	N	N	N	N	N	N	N	N	N	SP	N
H2.	Off -street parking as hereinafter permitted.	Y	Y	Y	Y	SP	N	Y	Y	Y	N	Y	Y	N	N
H3.	Public service and public utility structure including telephone exchange. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	SP	Y ^s	Y	Y	Y	N	SP	Y	N	N
H4.	Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower.◊	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP
H5.	Wireless Communications Facility, including only a free standing monopole.◊ (Art. 25, Spring ATM 4/9/19)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N
H6.	Indoor Wireless Communications Facility (IWCF).◊	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
H7.	Facilities for housing telecommunications equipment, such as sites where network systems can be interconnected to the fiber optic highband cable network, or to such network as it may be modified hereafter. (Art. 5, S.T.M. #2, 10/10/00)**	N	N	N	N	N	SP	SP	SP	SP	N	N	SP	N	N

◊ (Amended Art. 30, Fall ATM, 10/8/98)

**Special Permit by SPGA in the HM-I, HM-II, HM-III, HPU, RC and HC Districts

Note: For districts HM-II, HM-III, HPU see Section III

I. PROFESSIONAL AND MEDICAL OFFICE USES

I1.	Professional Office (Art. 24 Fall A.T.M. 1996; Art. 21, Spring ATM, 05/06/2025)	N	N	N	SP	Y	Y	Y	Y	SP	N	Y	Y	Y	Y
I2.	Business Incubator Space	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y ²	Y
I3.	Business Training Center	N	N	N	N	SP	Y	SP	Y	Y	Y	Y	Y ²	Y ²	Y

		RG	RM	RS	PCD	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
I4.	Professional Medical Office	SP	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y ²	Y
I5.	Health Care facility, including a hospital, diagnostic and health care professional offices.														
	a. under 3,500 sq. ft.	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y ²	Y
	b. over 3,500 sq. ft. (Art. 12, STM #1, 01/21/1992; Art. 21, Spring ATM, 05/06/2025)	N	N	N	N	SP	SP	SP	SP	SP	SP	Y	Y ²	Y ²	SP
I6.	Animal or Veterinary Hospital	N	N	N	N	SP	SP	Y	SP	SP	Y	Y	SP ²	SP ²	SP
J. RESEARCH AND DEVELOPMENT, LABORATORY, AND TECHNOLOGY USES															
J1.	Research and Development (Art. 8 S.T.M. 2 1975; Art. 21, Spring ATM, 05/06/2025)	N	N	N	N	SP	Y	Y	Y	Y	N	Y	Y	Y	Y
J2.	Laboratory	N	N	N	N	SP	Y	Y	Y	Y	Y	Y	Y	Y	Y
J3.	Renewable or Alternative Energy Research and Development Facilities (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	Y	Y	N	N	Y	Y	N
K. MANUFACTURING AND INDUSTRIAL USES															
K1.	Printing or publishing establishment provided that not more than five thousand feet are used for work and storage	N	N	N	N	SP	Y	Y	N	N	N	Y	N	Y	Y
	a. over 5,000 sq. ft.	N	N	N	N	SP	Y	SP	Y	Y	N	N	Y	Y	Y
K2.	Specialty craft fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 31, Fall TM 10/15/19)	N	N	N	N	N	--- ^u	Y	SP	SP	N	SP	SP	N	Y
K2a.	Specialty Craft Fabrication, where all noises, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from the residential district	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K3.	Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 30, Fall TM 10/15/19)	N	N	N	N	SP	Y	SP	SP	SP	N	SP	SP	N	Y
K4.	Light manufacturing uses (including renewable or alternative energy light manufacturing uses) when the processes involved entail only fabrication, assembly, finishing work, packaging, or commercial food production, conducted in such a manner that noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	Y	Y	N	SP	Y	N	N
K5.	General industrial uses including manufacturing, renewable or alternative energy manufacturing, processing, or other industrial operations that will not be offensive to adjoining districts in respect to obnoxious noise, smoke, dust, odor, waste disposal, vibration or similar objectionable features. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	N	Y	N	N	Y	N	N

		RG	RM	RS	PCD	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
K6.	Warehouses (excluding retail warehouses), for storage of any personal property with no sales taking place on the premises; and open storage yards of lumber, stone, brick, gravel, cement, and contractor's equipment, or other bulky merchandise, which may be sold on the premises. (Art. 73 A.T.M. 1963, Art. 49 A.T.M. 1976 & Art. 24 Fall A.T.M. 1996)	N	N	N	N	N	--- ^v	N	N	SP*	N	N	SP	N	N
K6a.	Warehouse of less than 1,000 square feet gross floor area	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K6b.	Warehouse of more than 1,000 square feet gross floor area	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K7.	Junk yards (Enclosed by a 10' high fence or other closed screen acceptable to Building Inspector.	N	N	N	N	N	N	N	N	SP	N	N	SP	N	N
K8.	Town-owned dump. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	SP	N	Y	Y	Y	N	SP	Y	N	N
K9.	Dumps and use of land for the disposal of refuse by the sanitary-fill method provided the same is also approved by the Board of Health and vote of the Town.	SP	N	SP	N	N	N	N	SP	SP	N	N	SP	N	N

L. INSTITUTIONAL AND EXEMPT USES

L1.	Municipal building or use, except for a waste disposal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
L2.	Religious Institution ^w	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L3.	School and School Campus ^w	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L4.	Trade, professional, or other school not exempt by State Statute	N	N	N	SP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L5.	Playground and Park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
L6.	Child Care Facility ^w	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

M. OTHER USES

M1.	Accessory Uses (normally incidental to a permitted use)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
-----	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Note: For districts HM-II, HM-III, HPU see Section III

- 1 Town House Dwelling shall per permitted through the use of the Open Space Residential Development (OSRD) and Historic Preservation Bylaws
- 2 Such use shall be permitted as an accessory use to a primary use and shall not constitute more than fifty (50) percent of the total floor area of all structures on the Lot (Art. 22, Fall ATM, 10/17/2024)
- 3 Ancillary Outlet shall not be permitted in any Industrial Zones covered by or underlying the Regional Center Overlay District or HOOP Overlay Districts. The Ancillary Outlet Setback from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access is 85 feet. (Art. 28, Spring Town Meeting, 4/14/15; Art. 22, Fall ATM, 10/17/2024)
 - a Highway Mixed-use – I (HM-I) District, Small Corporate Campus Parcel permitting requirements
 - b Highway Mixed-use – I (HM-I) District, Large Corporate Campus Parcel permitting requirements
 - c RESERVED
 - d RESERVED
 - e RESERVED
 - f Multi-Family Dwellings and Residential Mixed-use Developments shall comply with § III.E.2 (for projects in DM Zoning District) and § III.EE (for projects in CG Zoning District) of the Natick Zoning Bylaws (Art. 24, Fall ATM, 10/17/2024)
 - g RESERVED
 - h RESERVED

- i RESERVED
- j RESERVED
- k RESERVED
- l RESERVED
- m RESERVED
- n RESERVED
- o RESERVED
- p RESERVED
- q RESERVED
- r RESERVED
- s In the DM Zoning District radio and TV stations offices are included in this Use Category, while towers are excluded.
- t RESERVED
- u RESERVED
- v RESERVED
- w Such uses are subject to § VI-DD.2 Site Plan Review of the Zoning Bylaw (Art. 23, 2024 Spring ATM, 05/09/2024)
- x RESERVED
- y Use not yet authorized by Town Meeting

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III-A.3 FLOOD PLAIN DISTRICT

1. Purpose

The purpose of the Floodplain District is to insure public safety through reducing the threats to life and personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; eliminate costs associated with the response and cleanup of flooding conditions, and reduce damage to public and private property resulting from flooding waters.

2. Location of Floodplain District

The Floodplain District is herein established as an overlay district for all areas identified in § III-A.3.2 of this Bylaw.

- a. All areas shown as being within the 100-year floodplain on the TOWN OF NATICK DRAINAGE STUDY, 100-YEAR FLOOD PLAIN MAP, 1" equals 100', September 1979 by Coffin & Richardson, Inc., Engineers, Boston, Massachusetts. As further described in the Drainage Report, Natick Massachusetts, September 1979 prepared by Coffin & Richardson.
- b. The Floodplain District includes all special flood hazard areas designated on the Middlesex County's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town are panel numbers 25017C0509F, 25017C0517F, 25017C0519F, dated July 7, 2014; and panel numbers 25017C0528G, 25017C0529G, 25017C0536G, 25017C0537F, 25017C0538G, 25017C0539F, 25017C0543F, and 25017C0652F, effective dated July 8, 2025.
- c. The exact boundaries of the Floodplain District shall be defined by the 1 percent chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) reports, dated effective date July 8, 2025. The effective FIRM and FIS reports are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Department of Public Works, and available on the Town website.
- d. In the event of any discrepancy between the above delineations of the 100-year flood plain, the Building Inspector, after consultation with the Natick Conservation Commission, shall determine which map will apply. The Natick Drainage Study can only be used in areas where the Base Flood Elevations are equal to or more restrictive than the FIRM and FIS.

3. Community Flood Plain Administrator

The Town Administrator shall designate an official Floodplain Administrator and a deputy Floodplain Administrator for the Town of Natick hereby.

4. Permitting Requirements

- a. The Town requires permits for all construction or development within the Floodplain District, including New Construction or changes to existing Buildings, placement of manufactured Structures, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- b. All construction and developments in the Floodplain District, including structural and non-structural activities, whether permitted As of Right or by Special Permit, must comply with MGL c 131, § 40 and with the following:

- i. Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (780 CMR, as amended);
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (310 CRM 10.00, as amended);
 - iii. Inland Wetlands Restriction, DEP (310 CMR 13.00, as amended); and
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (310 CMR 15, Title 5, as amended).
- c. The Town’s permit review process includes the requirement that the proponent obtain all Federal, State, and local permits that will be necessary to carry out the proposed development in the Floodplain District. The proponent must acquire all necessary permits and must demonstrate that all necessary permits have been acquired prior to the issuance of a Building Permit.

5. Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town’s FIRM encroachments are prohibited, including fill, New Construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6. Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevation (“BFE”) data and floodway data, the Town will obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring New Construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing, or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

The Town may require a Peer Review Consultant to deem necessary to determine base flood elevation.

7. AO and AH Zones Drainage Requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around Structures on slopes, to guide floodwater around and away from Buildings and Structures.

8. Subdivision Proposals and Base Flood Elevation

- a. All subdivision proposals and development proposals in the Floodplain District shall be reviewed to assure that:
 - i. Such proposals minimize flood damage.
 - ii. Public utilities and facilities are located & constructed to minimize flood damage.
 - iii. Adequate drainage is provided.

- b. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
9. Recreational Vehicles
 In A, A1-30, AH, AO, AE Zones, all Recreational Vehicles to be placed on a site must be elevated and anchored in accordance with the zone’s regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
10. Watercourse Alterations or Relocations in Riverine Areas
 In a riverine situation, the Conservation Agent shall notify the following groups or individuals of any alteration or relocation of a watercourse:
- Adjacent Communities, especially upstream and downstream
 - Bordering States, if affected
 - NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist, Federal Emergency Management Agency, Region I
11. Requirement to Submit New Technical Data
 If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist, Federal Emergency Management Agency, Region I
12. Variances to Building Code Floodplain Standards
 The Town will request from the State Building Code Appeals Board a written copy of the portion of the hearing related to the variance and will maintain this record in the community’s files.
 The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that
- a. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - b. such construction below the base flood level increases risks to life and property.
- Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain District.
13. Variance of the Natick Zoning Bylaws
 As related to community compliance with the National Flood Insurance Program (NFIP), a variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:
- a. Good and sufficient cause and exceptional non-financial hardship exist;
 - b. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

c. the variance is the minimum action necessary to afford relief.

14. Abrogation and Greater Restriction

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

15. Local Enforcement

Enforcement of the Floodplain District Bylaw follows enforcement procedures for the Massachusetts Wetlands Protection Act (310 CMR 10.00).

The Natick Conservation Commission shall issue an Enforcement Order per 310 CMR 10.08 for Floodplain District violations requiring appropriate mitigation to rectify the violation. Notice of the Enforcement Order shall also be provided to the Building Commissioner and any other permitting authorities on the subject Lot and/or project.

16. DISCLAIMER OF LIABILITY

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

17. Severability

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

(Art. 17, Spring ATM, 05/06/2025)

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III-A.5 AQUIFER PROTECTION DISTRICT (APD)

1. Purpose and Intent

The Aquifer Protection District (APD) is an overlay district that comprises the Aquifer and Aquifer Recharge Areas. The APD is updated regularly to ensure the protection and preservation of existing and potential groundwater supply and recharge areas within Natick. The APD Bylaw establishes clear expectations and standards for development that is permitted within the APD for long-term maintenance and preservation of these essential natural resources.

2. Applicability

All Lots that are wholly or in part in the APD are subject to this Bylaw.

3. Aquifer Protection District (APD) Map

- a. All Aquifer and Aquifer Recharge Areas shall be shown on the APD Map entitled “Aquifer Protection District, Town of Natick, Massachusetts”, dated July 1985, revised October 1987, and as further amended.
- b. The Conservation Commission shall manage and maintain the APD Map. The APD Map shall be reviewed and reissued every five (5) years.

4. Use Regulations and Permit Granting Authority

a. Exempt Use(s) within the APD

The following uses shall be exempt from the requirements of this Bylaw:

- i. Repair of septic systems when required by the Board of Health
- ii. Emergency orders of the Board of Health or Conservation Commission to resolve emergency situations
- iii. Construction of fencing that will not alter existing terrain or drainage patterns
- iv. A new or addition to an existing One-Family or Two-Family Dwelling that does not alter the existing terrain, drainage patterns, and is not greater than five-hundred (500) sf of lot coverage
- v. Land uses outlined in §VI-DD.2.b.ii-vi. of these Bylaws that does not alter the existing terrain or drainage patterns of a Lot
- vi. Any logging that is consistent with a Forest Cutting Plan approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation (DCR)
- vii. Any practice of land management that is consistent with the excision of aboriginal rights associated Massachusetts Executive Order No 126: Massachusetts Native Americans, as amended

b. Prohibited Use(s) within the APD

The following uses shall be prohibited with the APD. The Zoning Board of Appeals (ZBA) shall not grant a variance or relief to allow a prohibited use as outlined in § III-A.5.4.b of this Bylaw to be permitted or expanded.

- i. Dumping of snow or other ground cover that is carried from off-site
- ii. Automotive uses including but not limited to carwashes, gas or filling stations, service and repair shops, junk and salvage yards, and trucking and bus terminals
- iii. Laundry and dry cleaning establishments
- iv. Onsite disposal, storage, processing, recycling, or discharge of Hazardous Wastes, Toxic or Hazardous Substances, Process Liquids, Radioactive Materials, industrial processed liquids (see § III-A.5.4.e for exception)
- v. Onsite disposal of solid wastes, other than non-invasive brush and stumps
- vi. Storage of petroleum or other refined petroleum products except within structures where such product will be used for heat or preparation of food
- vii. The disposal of liquid or leachable wastes, except as permitted into subsurface waste disposal systems, subject to regulation under Title 5 of the State Environmental Code
- viii. Construction of new cesspools
- ix. Exterior or outdoor storage of road salt or other deicing chemicals, uncovered manure, soils, mulch, fertilizers, pesticides, manure, and other like leachables, except as packaged for consumer use and located on a impervious surface with barriers
- x. The permanent removal or regrading of the existing soil cover resulting in a finished grade at a level below five (5) feet above the existing spring high water level
- xi. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within four (4) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works, or wetland restoration work conducted in accordance with a valid Order of Conditions issued pursuant to MGL c 131, § 40

- xii. The Mining of Land, except as incidental to the exercise of a permitted or conditional use (see § III-A.5.4.a for exception)
 - xiii. Exterior or open dumps and landfills, outdoor recycling, or incinerator for waste disposal
 - xiv. Landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c 21, § 26 through § 53; MGL c 111, § 17; and MGL c 83, § 6 and § 7
 - xv. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31
- c. Permitted Uses within the APD – One-Family and Two-Family Dwelling
The Building Commissioner shall be the reviewing authority for all As of Right One-Family and Two-Family Dwellings outlined below. Such review shall be conducted concurrently with the review of a Building Permit.
- i. Construction or expansion of an existing One-Family or Two-Family Dwelling, unless exempt by § III-A.5.4.a of this Bylaw and does not exceed the maximum impervious Lot Coverage of twenty (20%) percent.
 - ii. Construction work where the total impervious Lot Coverage exceeds twenty percent (20%) within the APD and is not subject to § III-A.5.4.d, e, and f of this Bylaw.
 - iii. Installation of stormwater management system.
- d. As of Right Use(s) within the APD - Site Plan Review
The Planning Board shall be the Permit Granting Authority for all use(s) or projects with an APD as outlined below, unless stated otherwise in § III-A.5.4 of this Bylaw. The uses outlined in § III-A.5.4.d of this Bylaw shall be subject to a majority vote of the Planning Board.
- i. Any use permitted within the underlying Zoning District or Overlay District that requires Site Plan Review or a Special Permit, unless subject to § III-A.5.4.a, b, c, e, or f of this Bylaw.
 - ii. The maintenance or repair of any existing structure with an existing compliant and valid Decision for Site Plan Review or a Special Permit that was granted by the Planning Board, or commercial structure or use permitted by the Zoning Board of Appeals.
- e. Conditional Uses - Special Permit(s)
The Planning Board shall be the Special Permit Granting Authority (SPGA) for all use(s) or projects with an APD as outlined below. The uses outlined in § III-A.5.4.e of this Bylaw shall be subject to a super-majority vote of the Planning Board.
- i. The storage or disposal of Hazardous Waste, Toxic or Hazardous Substances, Process Liquids, or Radioactive Materials, where such storage or disposal are incidental to a permitted primary use and are necessary for the operation of a permitted, conditional, or allowed use in the APD. The Applicant shall submit a Hazardous Materials and Wastes Management Plan to demonstrate that the storage or disposal of such materials will not adversely affect current or future water quality or prevent groundwater infiltration into the Aquifer and Aquifer Recharge Areas.
- f. Permitted Uses – Conservation Commission
The Conservation Commission or their designee shall be the Permit Granting Authority for all use(s) or projects with an APD as outlined below. The uses outlined in § III-A.5.4.f of this Bylaw shall be reviewed in the same manner as outlined in the procedures set forth in Article 79A, Stormwater Management and Erosion Control of the Natick Town By-laws.

- i. Projects that are wholly within the jurisdiction of the Conservation Commission and require an Order of Conditions, which are subject to Article 79A Stormwater Management and Erosion Control of the Natick Town By-laws.
- ii. All projects not outlined in § III-A.5.4 of this Bylaw, which are subject to Article 79A Stormwater Management and Erosion Control of the Natick Town By-laws.
- iii. One-Family or Two-Family Dwellings the design of which exceeds the maximum impervious Lot Coverage of twenty percent (20%).
- iv. Any use involving a principal or accessory activity the addition, on-site redistribution, or export of greater than 10,000 (ten thousand) cubic feet of earth material, consolidated or unconsolidated.
- v. The use of fertilizers, pesticides, manure, and other leachables for agricultural and forestry or their storage under a shelter.
- vi. The application of pesticides and fertilizers for non-domestic, non-municipal, or non-agricultural uses, provided that such application undertakes all necessary precautions to prevent hazardous concentrations of pesticides and fertilizers, minimizes the adverse impacts on surface and groundwater associated with nutrient transport, deposition, and sedimentation. The Applicant shall submit a Pesticide and Fertilizer Plan to demonstrate how the use of such materials will not adversely affect current or future water quality or prevent groundwater infiltration into the Aquifer and Aquifer Recharge Areas.

5. Dimensional Requirements

a. Lot Size

The minimum Lot size within the APD shall be the same as allowed in the underlying zoning district as shown in § IV.B. Intensity Regulations by Zoning District of these Bylaws.

b. Lot Coverage

Where the Lot Coverage exceeds twenty percent (20%) of a Lot within the APD. The Applicant shall submit a Stormwater Drainage Plan (consistent with the plan requirements outlined in Article 79A Regulations Part III (E) to demonstrate that the increase in Lot Coverage will not result in disruptions to existing groundwater flow, reduce current or future water quality, or reduce infiltration capacity of the lot.

6. Review Procedures

a. Application Requirements – One-Family and Two-Family Dwelling

- i. Letter from the Stormwater Management Team (Town Engineer and Conservation Agent) providing positive recommendation of the Project design relative to the requirements of § III-A.5.7.a of this Bylaw.
- ii. Project Narrative to demonstrate compliance with this Bylaw.
- iii. Submittal of an Operation & Management (O&M) plan for the operation and maintenance of installed stormwater infrastructure.
- iv. Stamped site Plan with accompanying details that presents the details of proposed infrastructure.

b. Application Requirements – Conservation Commission and Planning Board Review

An APD application shall be filed with the respective Permit Granting Authority (Conservation Commission, or Designee or Planning Board) per § III-A.5.4 of this Bylaw. The Permit Granting Authority shall review an APD application to determine if the submitted information demonstrates the requirements outlined in § III-A.5.7 of this Bylaw. Where applicable, the Permit Granting Authority may develop rules and regulations to guide the permitting of projects within the APD.

- i. Existing and proposed condition plans that show the location of the APD on Lot, which includes the Aquifer and Aquifer Recharge Areas.
- ii. APD Development Impact Report, which is a Narrative of the project that outlines how the project shall not be a detriment to the APD, in addition to any Best Management Practices (BMP) or Low Impact Development (LID) infrastructure that will be utilized onsite.
- iii. A Construction Narrative, which is a written description as to how the Lot will be managed throughout construction. Such Construction Narrative should include the management of Aquifer and Aquifer Recharge Areas, in addition to management of stormwater during the construction phase of the project.
- iv. A Construction and Grading Plan, which includes the drainage patterns, approximate slopes, details of erosion and sediment control measures, management of uncontaminated waters around disturbed areas, and details for each different type of BMP and LID infrastructure that will be utilized throughout construction.
- v. A Soil and Fill plan that includes existing soil types, type of fill to be used, and volume and nature of imported materials, and location of soil types and fill locations onsite.
- vii. BMP and LID infrastructure, vegetation, and stormwater management infrastructure on the plans and details of the features onsite.
- viii. Submittal of an Operation & Management (O&M) plan for the operation and maintenance of installed stormwater infrastructure.

c. Additional Require Information

Projects within the APD may require additional information to be submitted as outlined in § III-A.5. of this Bylaw. The following submittal requirements are required for projects within the APD.

i. The Stormwater Drainage Plan per § III-A.5.5.b of this Bylaw shall include

- 1) Retention and infiltration of stormwater runoff generated by the development for a minimum of a ten (10) year storm event.
- 2) Documentation demonstrating that post-development surface discharge volume to the Aquifer and Aquifer Recharge Area, including overflow of any designed BMPs, is less than for pre-development discharge to these areas.
- 3) Design of infrastructure to remove oil and gasoline from parking lot runoff by using treatment swales, oil/gas separators, or other devices for treatment in accordance with the Best Management Practices outlined for the specific infiltration methodology in the most recently adopted Massachusetts Stormwater Handbook prior to retention and percolation of the runoff.

The Stormwater Drainage Plan shall be reviewed by the Conservation Agent and the Town Engineer (or their designee), or by a Peer Review Consultant as determined by the Permit Granting Authority. Such review shall produce a written recommendation as to whether permitting impervious Lot Coverage in excess of twenty percent (20%) impervious Lot Coverage will be detrimental to the APD.

ii. The Hazardous Materials and Waste Management Plan per § III-A.5.4.e of this Bylaw, shall include:

- 1) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures
- 2) provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces

- 3) evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000
 - 4) proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat
 - 5) Letters of recommendation from the Fire Chief and Director of Health, or their designee
- iii. Storage and Disposal Plan shall include a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Further, the Storage and Disposal Plan shall show on a plan the location of storage and associated disposal activities. Such plans shall be required to outline the protection of the Aquifer and Aquifer Recharge Areas and may be subject to review by a Peer Review Consultant.
 - iv. Pesticide and Fertilizer Plan shall include a narrative and plans that demonstrate erosion control techniques, the control and management of runoff water (or the use of pesticides having low solubility in water), the prevention of pesticide volatilization and re-deposition, and the lateral displacement (i.e., wind drift) of pesticides.
- c. Peer Review Consultant
The Permit Granting Authority may require the Applicant to fund a Peer Review Consultant to assist in the technical review of the proposal in accordance MGL c. 44, § 53G.

7. Findings

The Permit Granting Authority shall make the applicable findings to ensure the APD is protected during construction and post-construction, the Applicant shall demonstrate the following requirements for projects within the APD.

- a. One-Family and Two-Family Dwellings
The Building Commissioner shall utilize the following findings to make a determination if such project within the APD complies with this Bylaw prior to approval of a Building Permit.
 - i. The construction of a new Dwelling Structure or addition to existing Dwelling Structure shall be required to collect and infiltrate roof runoff onsite (minimum of one (1) inch over the volume of the new roof area or modified roof area).
 - ii. Stormwater from impervious areas shall be infiltrated onsite underground, onsite into vegetated swales or basins, or addressed through other infrastructure to allow retention or recharge onsite. Stormwater shall not be directed onto abutting properties or Town infrastructure.
 - iii. During construction BMP and LID shall be utilized to prevent stormwater and sediment from exiting the Lot.
 - viii. The Applicant has to demonstrate that the use and the Lot has been designed so that no stormwater or wastewater other than that typically discharged by domestic wastewater disposal systems. Further, stormwater or wastewater shall not be permitted to flow over public sidewalks or onto roadways, and shall be managed on the Lot.
- b. All other permitted uses (excluding One-Family and Two-Family Dwellings)
The Permit Granting Authority for § III-A.5.4.d, e and f shall utilize the following findings to make a determination if such project within the APD complies with this Bylaw prior to approval.
 - i. The Applicant has demonstrated that the APD application during and post construction is consistent with the purpose and intent of the APD.
 - ii. The Applicant has demonstrated the natural and proposed final topography, soils types, and other characteristics of the Lot to be developed support the use of the Lot.

- iii. The Applicant has demonstrated that during construction or thereafter, the use of the Lot will not adverse environmental impact on the aquifer water supply.
- iv. The Applicant has demonstrated the use will not adversely affect an existing or potential water supply.
- v. The Applicant has demonstrated that the use of BMP and LID standards have been utilized throughout the APD, where possible, to ensure the protection of the Aquifer and Aquifer Recharge Areas, in addition to ensuring erosion shall not degrade the Lot increasing the rate of stormwater movement or movement of soils.
- vi. The Applicant has provided evidence that the existing seasonal high groundwater elevation will not be increased or encroached upon, whether through the design and installation of appropriate infrastructure or applicable mitigation.
- vii. The Applicant has demonstrated through good design that use of BMP and appropriate infrastructure or applicable mitigation, will meet the water quality standards outlined in Article 79A and associated regulations and appendices for the runoff from such impervious surfaces recharged to the Aquifer and Aquifer Recharge Areas.
- viii. The Applicant has demonstrated that the use and the Lot has been designed so that no stormwater or wastewater other than that typically discharged by domestic wastewater disposal systems. Further, stormwater or wastewater is not discharged into the Town public infrastructure.
- ix. For uses subject to §III-A.5.5.b.ii, the Stormwater Drainage Plan shall demonstrate the retention and percolation within the Aquifer and Aquifer Recharge Areas of all development generated stormwater runoff from a ten (10) year storm event, such that the post-development discharge volume to the aquifer is, at a minimum, equal to the pre-development discharge to the aquifer. Furthermore, the Stormwater Drainage Plan shall provide for the removal of oil and gasoline from parking lot runoff by the use of treatment swales, oil/gas separators or other devices, prior to retention and percolation of the runoff.
- ix. An emergency response plan has been prepared to prevent contamination of soil or groundwater in the event of accidental spills or the release of Hazardous Waste, Toxic or Hazardous Substances, Process Liquids, or Radioactive Materials onsite.
- iiix. Where a Stormwater Drainage Plan is required the Applicant shall demonstrate that the project will not adversely affect current or future water quality or prevent groundwater infiltration into the Aquifer and Aquifer Recharge Area. All runoff from impervious surfaces shall be recharged to the Aquifer and Aquifer Recharge Area onsite through BMP and LID hardscape and softscape infrastructure, unless a waiver is granted by a four-fifths vote of the Permitting Authority.
- xiv. The use of a Lot has been designed so it will not adversely affect groundwater quality, nor cause a significant long-term reduction in the volume of water contained in the Aquifer and Aquifer Recharge Areas.
- xv. The use of a Lot has been designed so it will not adversely affect groundwater quality, nor cause a significant long-term reduction in the volume of water contained in the Aquifer and Aquifer Recharge Areas.
- c. The Applicant may request relief by a waiver of one (1) or more of the Findings outlined in §III-A.5.7.b, if the Applicant can demonstrate that such Finding is not applicable for the specific use. The respective permitting authority (Conservation Commission or Planning Board), at its discretion, may waive such finding by a four-fifths (4/5) super-majority vote, where the reviewing authority finds such requirement(s) are not appropriate or relevant for the elevations of the project.

8. Annual Review

- a. All projects subject to this Bylaw, shall regularly maintain all systems and infrastructure associated with the protection and preservation of the Aquifers and Aquifer Recharge Areas. The Town may require updates or modification to existing systems that are not maintained or in working order.
- b. Any deficiencies or required modifications identified in the review shall be resolved within thirty (30) days, unless granted an extension by the Conservation Commission due to weather.

(Art. 23, 2024 Fall ATM, 10/17/2024)

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III-A.6 AFFORDABLE HOUSING

The following procedure is available in order to carry out the purposes of the inclusionary housing option program as described in Section 108 of these bylaws.

A - INCLUSIONARY HOUSING OPTION PROGRAM (IHOP)

The provisions of this section shall apply to all developments of parcels creating ten (10) or more new residential dwelling units. Tracts of land may be developed under the provisions of the existing underlying zoning, or an applicant who owns the parcel, or who has the right to develop it, may elect to proceed under the bonus provisions described hereinafter.

- 1- Applicants who meet the foregoing requirements may apply to the Planning Board for a special permit that will permit them to receive additional units and relaxation of frontage requirements in exchange for the provision of affordable housing units. The Planning Board shall act as an SPGA and any plan shall meet the requirements of the Site Plan Review provisions of this Bylaw. If a subdivision is involved a definitive subdivision plan shall be submitted to the Planning Board in addition to the submission required under the Site Plan Review procedures. The Natick Housing Partnership or any successor organization having similar interests shall be included in the agencies receiving the distribution of copies of plans for comment.
- 2- The number of additional dwelling units permitted under the IHOP procedure may not exceed 20% of that otherwise permitted under the underlying zoning, as demonstrated by a plan submitted to the Planning Board. In determining the size of the bonus to be granted the Planning Board may consider a number of factors, including the cost of the land, the cost of development including the cost of construction of the units and infrastructure, and the proposed market price of the units to be built. In addition to any other waiver permitted under the subdivision control law and the Rules and Regulations of the Planning Board, requirements for area and/or frontage may be reduced as follows: area may be reduced up to 15% of the minimum intensity requirements of the underlying zone; frontage may be reduced up to 20% of the minimum required in the underlying zone.

- 3- Affordable Dwelling Units shall be provided in any one of the following alternatives, consistent with the provisions of Section V-J of this bylaw and subject to approval of the Planning Board:**
- A) By Donation to the Natick Housing Authority or other appropriate public agency, as determined by the SPGAA minimum of 15%, consistent with the provisions of Section V-J ***
 - B) By Sale to the Natick Housing Authority or other appropriate public agency, as determined by the SPGAA minimum of 15%, consistent with the provisions of Section V-J ***
 - C) By sale directly to Eligible HouseholdsA minimum of 15%, consistent with the provisions of Section V-J ***
 - D) By cash payment to the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J****

Notes: * = % of total units in development, rounded up to the next whole number

** = Amount is determined by professional valuation methods as the equivalent value to the units which otherwise would have been provided within the development as Affordable Dwelling Units, consistent with the provisions of Section V-J.

- a) Units to be donated to the Natick Housing Authority are subject to the approval of the Natick Housing Authority, and of the applicable federal or state funding agency.
- b) Units set aside for sale to the Natick Housing Authority shall be offered at prices which do not exceed the greater of: (i) Total Development Costs of the units, or (ii) the current acquisition cost limits for the particular units under applicable state or federal financing programs. If the Natick Housing Authority is unable to purchase the set-aside units at the time of completion, the units shall be offered for sale to Eligible Households.
- c) Units set aside for sale directly to Eligible Households shall be offered only to those households which qualify or meet the definition of Eligible Household.

(Art. 52, F.T.M. 101/17/17) (Art. 32, Fall TM 10/16/18)

- 4- Each affordable unit created in accordance with this section shall have limitations governing its resale. Such limitations shall have as their purpose to preserve the long-term affordability of the unit and to ensure its continued availability to low or moderate income households, consistent with the provisions of Section V-J of this bylaw. Such restrictions may also provide that the Natick Housing Authority shall have a prior right of purchase at the price determined according to the restriction for a period of thirty (30) days after the unit is placed on sale. Notice of any proposed sale shall be given to the Planning Board and to the Natick Housing Authority. (Art. 35, 1992 Fall A.T.M.; Art. 52, F.T.M. 10/17/2017; Art. 32, Fall TM 10/16/2018)
- 5- Affordable Units to be offered for sale under the IHOP provisions shall be offered to residents of the Town of Natick and to persons employed within the Town of Natick, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw. (Art. 52, F.T.M. 10/17/2017; Art. 32, Fall TM 10.16/2018)
- 6- In addition to any requirements under Site Plan Review, the Special Permit, or Subdivision approval, an applicant must submit a development plan acceptable to the Planning Board plan indicating how the parcel could be developed under the underlying zoning (i.e. a baseline plan). Any bonus granted shall be calculated from the baseline plan. The development plan showing the bonus units shall also indicate the proposed Affordable Dwelling Units, which must be

dispersed throughout the parcel to ensure a mix of market-rate and Affordable Dwelling Units. Affordable Dwelling Units shall have an exterior appearance that is compatible with, and to the extent that is possible, indistinguishable from the market rate units in the development. Affordable Dwelling Units shall contain at least two (2) or more bedrooms and shall be suitable as to design for family occupancy. The owners of Affordable Dwelling Units shall have all of the rights and privileges accorded to market rate owners regarding any amenities within the development. (Art. 10, 1991 Fall A.T.M.; Art. 52, F.T.M. 10/17/2017; Art. 32 Fall TM 10/16/2018)

B - HOUSING OVERLAY OPTION PLAN – (HOOP)

1. PURPOSE

The purpose of this Housing Overlay Option Plan is to create overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to Eligible Households in a manner consistent with both the provisions of Section V-J and the character of the downtown area. In order to encourage utilization of the Town’s remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to Eligible Households. This requirement will reduce sprawl by developing land that is underutilized and is located in Natick Center where public transportation is available. Development under the provisions of this bylaw, or under MGL Chapter 40B, Sections 20-23 is encouraged to take place in the HOOP Districts. It is desirable in these overlay districts to provide for: pedestrian areas within and between housing complexes; public parks; open space and additional open space resulting from placing parking under buildings or underground. (Art. 32, Fall TM 10/16/2018)

2. APPLICABILITY

The provisions of this section may be utilized on any land located within the HOOP – I and HOOP - II districts, subject to the requirements and standards set forth in this Section.

All regulations of the underlying zoning districts shall apply within the HOOP – I and HOOP – II Districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section. Where requirements and standards within the HOOP - I and HOOP – II Districts, as set forth in this Section, differ from or conflict with applicable requirements and standards set forth elsewhere in this By-Law, the requirements and standards established for the HOOP – I and HOOP – II Districts shall take precedence.

3. DENSITY

- a) The maximum number of dwelling units allowed in the Housing Overlay Option Plan – I (HOOP - I) District shall equal the net land area which shall mean the gross area of the parcel divided by 2,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein.
- b) The maximum number of dwelling units allowed in the Housing Overlay Option Plan – II (HOOP - II) District shall equal the net land area which shall mean the gross area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein.

- c) The number of dwelling units allowed in the HOOP - I and HOOP – II Districts may be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.

(Art. 52, F.T.M. 10/17/2017)

4. BONUSES, USES

- a) Where the Planning Board, in its discretion, finds that the project meets the requirements of § VI-DD.2 Site Plan Review, in addition to the following criteria are met for parcels in the HOOP – I District. Then the maximum number of dwelling units allowed shall equal the gross area of the parcel divided by 1,500 square feet, rounded to the nearest whole number. And furthermore, where the Planning Board, in its discretion finds that the project meets the requirements of § VI-DD.2 Site Plan Review, in addition to the following criteria are met for parcels in the HOOP – II District, then the maximum number of dwelling units allowed shall equal the gross area of the parcel divided by 3,000 square feet, rounded to the nearest whole number. (Art. 23, 2024 Spring ATM, 05/09/2024)

- b) The criteria to be met include each of the following:

- 1) For HOOP – I, that at least 20% of the total number of dwelling units are Affordable Housing Units
- 2) For HOOP – II, that at least 20% of the total number of dwelling units are Affordable Housing Units”;
- 3) The Site plan demonstrates an overall planning concept and design of individual structures and parcels that is consistent and harmonious with the existing town center streetscape and character and which strengthens the town center's integral and vital role in the greater community;
- 4) The Site Plan includes a professional landscape plan with substantial planting;
- 5) The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;
- 6) The Site Plan includes other elements found beneficial by the Design Review Board.

(Art. 52, F.T.M. 10-/17/2017)

5. INTENSITY REGULATIONS FOR THE HOOP DISTRICTS

	<u>HOOP – I</u>	<u>HOOP - II</u>
Minimum lot area	15,000 square feet	20,000 square feet
Continuous frontage	minimum of 100 feet	minimum of 100 feet
Minimum depth	75 feet	75 feet
Minimum setback, front	10 feet	10 feet
Minimum side-yard setback	5 feet	5 feet
Minimum rear-yard setback	5 feet	5 feet
Maximum building coverage	40%	40%
Maximum building height	40 feet	40 feet
Minimum open space	35%	45%

6. OPEN SPACE

The open space requirement may be met with the provision of publicly accessible parks and walking trails on or off-site and located within the HOOP – I or HOOP – II district. Each square

foot of land provided as a public park, not to include wetlands, shall count as 1.5 square feet of required open space.

7. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E, and provided further that such waiver and/or modification is necessary in order to encourage the creation of Affordable Housing units. (Art. 37, Spring ATM, 4/11/2017)

8. AFFORDABILITY

- a) Affordability shall be determined in accordance with the definition of Affordable Housing found in Section 200. The provisions of Section V-J of this bylaw shall govern the sale or rental of all Affordable Dwelling Units. Unless otherwise regulated by a Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Dwelling Units shall be initially offered to residents and/or employees of the Town of Natick consistent with the provisions of Section V-J. Residency and employment in Natick shall be established through Town Clerk certification.
- b) All Affordable Dwelling Units shall be maintained as such in perpetuity, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms, consistent with the provisions of Section V-J.

(Art. 52, F.T.M. 10/17/2017; Art. 32, Fall TM 10/16/2018)

9. DESIGN CRITERIA

The Applicant shall submit plans for all buildings, landscaping, and structures to the Design Review Board, which shall submit a report to the Special Permit Granting Authority for consideration during its special permit hearing. The Design Review Board report shall include its determination regarding the extent to which the proposed development meets any or all of the criteria set forth in subparagraph 4.b) above, and whether the project shown on the Site Plan is designed, located and constructed to afford the following:

- a. Compatibility of architectural styles, scales, building materials and colors within the development;
- b. Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
- c. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
- d. The capability for constant surveillance, orientation and recognition.

(Art. 27, Spring A.T.M. 4/15/2004)

C - SMART GROWTH OVERLAY DISTRICT (SGO District)

1. PURPOSE

The Smart Growth Overlay (SGO) District Program is established pursuant to Massachusetts G.L. c. 40R. It is the purpose of the SGO to encourage smart growth and increased housing production in the Town of Natick. Smart growth is a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves open space, farmland, natural beauty and

critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.

2. DEFINITIONS

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 2.0, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Administering Agency – A qualified housing entity will be designated by the PAA pursuant to Section 6.2, to review and implement the Affordability requirements affecting Projects under Section 6.0.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

Applicant – the individual or entity that submits a Project for Plan Approval.

As-of-right - a use allowed under Section 5.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 9.0 through 13.0 shall be considered an as-of-right Project.

Department or DHCD - the Massachusetts Department of Housing and Community Development.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

PAA Regulations – the rules and regulations of the PAA adopted pursuant to Section 9.3.

Plan Approval - standards and procedures which certain categories of Projects in the SGO District must meet pursuant to Sections 9.0 through 13.0 and the Enabling Laws.

Plan Approval Authority (PAA) - The local approval authority is the Natick Planning Board which is authorized under Section 9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGO District.

Project - a Residential Project undertaken within the SGO District in accordance with the requirements of this Section.

Residential Project - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

SGO District – the Smart Growth Overlay District established in accordance with this Section.

Zoning Bylaw - the Zoning Bylaw of the Town of Natick.

3. OVERLAY DISTRICT

3.1 Establishment.

The Smart Growth Overlay District, hereinafter referred to as the “SGO District,” is an overlay district having a land area of approximately 5.1 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map of the Town of Natick, “Northwest Quadrant”.

4. APPLICABILITY OF SGO DISTRICT

4.1 Applicability of SGO District. An applicant may seek development of a Project located within the SGO District in accordance with the provisions of the Enabling Laws and this Section, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

4.2 Underlying Zoning. The SGO District is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGO District, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

4.3 Administration, Enforcement, and Appeals. The provisions of this Section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A..

5. PERMITTED USES

The following uses are permitted as-of-right for Projects within the SGO District.

5.1 Residential Projects. A Residential Project within the SGO District may include:

- a) Single-family use, 2 and 3 family use, Multi-family Residential Use
- b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c) Accessory uses customarily incidental to any of the above permitted uses.

6. HOUSING AND HOUSING AFFORDABILITY

6.1 Number of Affordable Housing Units.

For all Projects not less than twenty percent (20%) of housing units constructed shall be Affordable Housing.

6.2 Administering Agency.

A qualified housing entity will be selected to be the administering agency by the PAA (the “designating official”). In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGO District, and on a continuing basis thereafter, as the case may be:

1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. the housing marketing and resident selection plan conform to all requirements and are properly administered;
4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

6.3 Affordability Information Submission Requirements.

As part of any application for Plan Approval for a Project within the SGO District submitted under Sections 9.0 through 13.0, the Applicant must submit the following documents to the PAA and the Administering Agency:

- 1) a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly;
- 2) evidence that the Project complies with the cost and eligibility requirements of Section 6.4:
- 3) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5; and
- 4) a form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

6.4 Cost and Eligibility Requirements.

Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for

an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Natick.

6.5 Design and Construction.

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

6.6 Affordable Housing Restriction.

Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. specification of the term of the affordable housing restriction which shall be no less than thirty years;
2. the name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Natick, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town of Natick, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. a requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

6.7 Costs of Housing Marketing and Selection Plan.

The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

6.8 Age Restrictions.

Nothing in this Section shall permit the imposition of restrictions on age upon all Projects throughout the entire SGO District. However, the Administering Agency may, in its review of a submission under Section 6.3, allow a specific Project within the SGO District designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws

and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

6.9 Phasing.

For any Project that is approved and developed in phases in accordance with Section 9.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

6.10 No Waiver.

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived.

7. SITE PLAN DIMENSIONAL AND DENSITY REQUIREMENTS

7.1 List of Requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, the density and dimensional requirements applicable in the SGO District are as follows:

a) Pursuant to the requirements of this Section, an Applicant may construct in the SGO District any combination of single-family residential units, 2-3 family residential units, and multi-family residential units. A “Multi-family residential unit” is any structure containing four or more residential units.

b) Density: The maximum number of dwelling units allowed in the SGO District shall be:

- i) Single-family residential units: 8 units per acre.**
- ii) 2-3 family residential units: 12 units per acre.**
- iii) Multi-family residential units: 27.6 units per acre.**

c) INTENSITY REGULATIONS

Continuous frontage:	40 feet
Minimum depth:	100 feet
Minimum front-yard setback:	25 feet
Minimum side-yard setback:	15 feet
Minimum rear-yard setback:	15feet
Minimum setback from rail right of way	0 feet
Maximum building coverage:	40%
Maximum building height:	40 feet
Minimum open space:	35%

8. PARKING REQUIREMENTS

The parking requirements applicable for Projects within the SGO District are as follows.

8.1 Number of parking spaces.

Unless otherwise approved by the PAA, the following minimum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures, and shall be provided at a rate of 1.5 spaces per unit within a SGO District.

The PAA may allow for additional visitor parking spaces beyond the 1.5 spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in Sections 8.2 and 8.3 below if sufficient information is submitted which appropriately addresses the need for overall parking upon the project site. The PAA is not obligated to

make such reduction in the absence of overwhelming evidence necessary to satisfy parking demand created by the subject project.

8.2 Shared Parking.

Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

8.3 Reduction in parking requirements.

Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, negative impact surrounding areas, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.

8.4 Location of Parking.

Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

9. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

9.1 Plan Approval.

An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 9.0 through 13.0, and shall be subject to site plan review and approval by the PAA. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws, subject to site plan review. The following categories of Projects shall be subject to the Plan Approval process:

- a) Any Residential Project
- b) Any Project seeking a waiver.

9.2 Plan Approval Authority (PAA).

The Natick Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and it is authorized to conduct the Plan Approval

process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGO District

9.3 PAA Regulations.

The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

9.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.9.

10. PLAN APPROVAL PROCEDURES

10.1 Preapplication.

Prior to the submittal of a Plan Approval submission, a “Concept Site Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Site Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Site Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards, site plan provisions and other requirements of the SGO District.

10.2 Required Submittals.

An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, with the application fee(s) which are set forth in the PAA Regulations (9.3) above. The application shall be accompanied by a formal site plan and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the PAA.

10.3 Filing.

An application and supporting materials shall be submitted electronically through the Town’s online permitting portal. (Art. 23, FTM 10/18/2022)

10.4 Circulation to Other Boards.

Upon receipt of a complete Application, the PAA shall circulate the application to the Select Board, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Design Review Board, and any such applicable board, agency or officer. Such reviewers

shall provide any comments within 60 days of receipt of the application. (Art. 23, FTM 10/18/2022)

10.5 Hearing.

The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

10.6 Peer Review.

The applicant of a SGO District project shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

11. PLAN APPROVAL DECISIONS

11.1 Plan Approval.

Plan Approval shall be granted where the PAA finds that:

1. the applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project as described in the application meets all of the requirements and standards set forth in this Section and the PAA Regulations, or a waiver has been granted therefrom; and
3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For all Projects, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of Section 6.0 have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

11.2 Plan Disapproval.

A Plan Approval application may be disapproved only where the PAA finds that:

1. the applicant has not submitted the required fees and information as set forth in the Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

11.3 Waivers.

Except where expressly prohibited herein, upon the request of the Applicant, the Plan Approval Authority may waive the dimensional and other requirements of this Section 7.1c in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGO District, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section. The PAA is not obligated to render such waivers if it deems the project does not provide sufficient reason or benefit to the community.

11.4 Project Phasing.

The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

11.5 Form of Decision.

The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Middlesex County Registry of Deeds or Middlesex County Registry District of the Land Court, as applicable, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

11.6 Validity of Decision.

A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

12. CHANGE IN PLANS AFTER APPROVAL BY PAA

12.1 Minor Change.

After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without

the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

12.2 Major Change.

Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 9.0 - through 13.0.

13. SEVERABILITY.

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force and effect, to the extent permitted by law. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town’s Zoning Bylaw.

(Art. 2, S.T.M.#1, 12/19/06)

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III-B HIGHWAY MIXED USE - (HM-I) DISTRICT

1. Purpose and Intent

To support and encourage the expansion of businesses, the Highway Mixed Use – I (HM-I) Zoning District provides opportunity for development and infill opportunities within one of Natick’s economic hubs. The HM-I intends to promote redevelopment of underutilized sites that seek to strengthen and diversify the Town’s employment and tax base, as outlined in Natick’s long range planning documents.

2. Development Scale

- a. The HM-I divides development opportunities into small and large campuses. Campuses can either be a single parcel or multiple parcels that are in common ownership. Parcels within a campus may be separated by a public street, public utility easement, or Town accepted right of way.
 - i. Small Corporate Campus Parcels are eighty thousand (80,000) to two hundred thousand (200,000) square feet; or
 - ii. Large Corporate Campus Parcels are greater than two hundred thousand (200,000) square feet of land.

3. Intensity Regulations and Development Requirements

- a. Setback Modifications
 - i. Where parcels of land within a Small or Large Corporate Campus Parcel are separated by a road, easement, or way, the front yard setback can be decreased to twenty (20) feet where the setback area is landscaped within at least one (1) street tree per fifty (50) feet of frontage.
 - ii. A front setback of sixty (60) feet from Worcester Street (Route 9) shall not be decreased.
 - iii. The SPGA may by special permit decrease the side and rear setback to twenty (20) feet if it is determined that such separation promotes the intent of a campus design and the setback area is designed as open space.

b. Review Standards and Procedures

The Planning Board may adopt, and from time to time revise and amend, design standards and guidelines that will be applicable to all projects within the HM-I district. Such standards and guidelines shall be consistent with and promote the Purpose and Intent of the HM-I district.

c. Open Space Requirements

- i. A landscape buffer shall be a minimum of four (4) feet in width and shall be maintained at all side and rear yards that do not abut a parcel in common ownership.
- ii. A landscape buffer shall be a minimum of twenty five (25) feet in width and shall be maintained at all side and rear yards that abut residentially zoned districts.
- iii. A landscape buffer shall not be required where open space is wider than the width of the respective existing side, rear or front yard of the premises, so long as such yard conforms to the requirements of these By-Laws.
- iv. A landscaped buffer may be interrupted for pedestrian, vehicular, and utility installation and access.
- v. All landscaping shall be constructed and maintained as provided in § VI-B(x) of these By-Laws.
- vi. No additional buffers shall be required under this Section at property lines at which the requirements of these By-Laws for landscaping adjacent to rights-of-way are satisfied.

(Art. 28, Spring ATM, 05/02/2023)

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III-C HIGHWAY MIXED USE - (HM-II) DISTRICT USE REGULATIONS

1. PERMITTED AND ALLOWED USES:

- a) Small Parcels- On lots located within an HM-II District, containing two hundred thousand (200,000) square feet of land or less, all uses permitted as of right and all uses allowable on such lots on the issuance of a Special Permit by the Special Permit Granting Authority which were permitted or allowable in the zoning district within which said lots were located immediately prior to rezoning to an HM-II District shall respectively continue to be permitted or allowable uses.
- b) Large Parcels- On lots located within an HM-II District, containing over two hundred thousand (200,000) square feet of land or less, the following uses as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right: Use Nos. 1, 3, 5, 9 and 46C.

(Art. 9, S.T.M. #1 January 21, 1992)

2. OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HM-II Zoning District, elect to develop their land under an Over-all Site Plan, then the uses set forth hereafter under

§ III-C.3 may be permitted upon the grant of a Special Permit and Site Plan Review by the Planning Board in accordance with § VI-DD of these Bylaw.

Where owners of adjacent lots wish to combine said lots for the purpose of seeking a Special Permit and Site Plan Review under this Section, they must submit a recordable agreement to the Planning Board with applications for Special Permit and Site Plan Review. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded with the Decisions for said Special Permit and Site Plan Review prior to the issuance of any building permit. (Art. 23, 2024 Spring ATM, 05/09/2024)

3. ALLOWED USES UNDER AN OVERALL SITE PLAN

The following uses may be allowed in an HM-II District under an Overall Site Plan as described in Section III-C.2: (Art. 9, S.T.M. #1 January 21, 1992)

- a. Business or professional office or agency; bank or other financial institution, administrative office; clerical office; statistical office; establishment for research and-or development; craft, consumer, professional or other service establishment dealing directly with the general public; business training center;
- b. Retail Stores;
- c. Hotel or Motel;
- d. Indoor amusement or recreation place provided that the building or portion of the building dedicated to such use is so insulated and maintained as to confine noise to the premises and is located at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
- e. Wholesale or retail office or showroom with inside storage of goods for sale on the premises only;
- f. Printing or publishing establishment;
- g. Off street parking which may be surface or indoor; (Art. 24, ATM 4/11/1995)
- h. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages, to be chiefly consumed on the premises, provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district;
- i. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises, provided that any portion of a structure dedicated to such uses is located at least three hundred fifty (350') feet from the nearest existing residential structure.
- j. Licensed Nursery Schools and/or Daycare Centers (Art. 16, 1987 ATM, 10/6/1987)
- k. Health Care or Retirement Facility (Art. 1, S.T.M. #5, 11/16/1993)
- l. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/1998)
- m. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/2019)

- n. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.

(Art. 31, Fall TM 10/15/2019)

4. INTENSITY REGULATIONS:

- a) Small Parcel Uses: Uses permitted within "Small parcels" as defined in Section III-C1 hereof shall conform to Section IV-B Intensity Regulations of the Zoning Bylaw for the Zoning District in which said small parcel was located immediately prior to rezoning to an HM-II District.
- b) Large Parcel Uses: Uses permitted within "Large Parcels" as defined in Section III-C1 hereof shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. (Art. 9, S.T.M. #1 January 21, 1992)

5. INTENSITY REGULATIONS UNDER OVERALL SITE PLAN DEVELOPMENT

Where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-C.2. in addition to any general requirements of Section IV-A, the following regulations shall apply:

- a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 8 acres.
- b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 200 feet along the major highway or along the access road from the parcel to the major highway.
- c. MINIMUM LOT AREA: 100,000 square feet.
- d. MINIMUM LOT DEPTH: 200 feet.
- e. MINIMUM LOT FRONTAGE ON MAJOR HIGHWAY OR THE ACCESS ROAD: 100 feet.
- f. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).
- g. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 100 feet to the side or rear lines of the parcel. Where the parcel abuts residentially zoned land the setback of structures shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other commercially zoned land, or where the parcel abuts town owned land regardless of zoning classification, the side or rear yards of any lots so abutting shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure. (Art. 1, STM #4, 10/05/93)
- h. MAXIMUM BUILDING COVERAGE: 25 per cent, including accessory buildings; provided however, that a garage structure, to the extent that it provides parking for the number of parking spaces required in accordance with this By-Law, shall not be counted in determining building coverage. The portion of the garage building "footprint" to be counted towards building coverage shall be a fraction of the total building footprint area; said fraction having as its numerator the square foot area in the building devoted to accommodate the excess parking spaces, and having as its denominator the total square foot area in the garage building devoted to parking.

- i. **MAXIMUM HEIGHT OF BUILDINGS:** 55 Feet, however, buildings may be 75 feet high if setback at least 200 feet from residential districts. (Art. 1, STM #4, 10/5/93)
- j. **BUFFERING REQUIREMENTS:** A strip of landscaped buffer area at least 50 feet in width shall be maintained at all side and rear boundaries of the parcel. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; any such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires buildings shall be so sited as to minimize their being visible from surrounding residences. Said buffer area may be interrupted for drainage channels, ponding areas, pedestrian, vehicular and utility installations.
- k. **GARAGES AND PARKING:** Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall and roof lighting shall be screened laterally.

For the purpose of this HM-II district, and notwithstanding any other provision of these By-Laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking or 18 feet for parallel parking, provided that no more than 50 percent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(III-C.2, 3 and 5 amended - Art. 4 S.T.M. #3, October 27, 1981)

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III-D USE REGULATIONS FOR LC DISTRICTS:

- 1. **DIMENSIONAL AND DENSITY REQUIREMENTS.** The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:
 - a. **MINIMUM LOT DIMENSIONS:** Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.
 - b. **MINIMUM YARD DIMENSIONS:** Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.

(Art. 6 S. T. M. March 20, 1979; Art. 16, FATM 2023; Art. 21, Fall ATM, 10/17/2024)

III-E DOWNTOWN MIXED USE DISTRICT DM

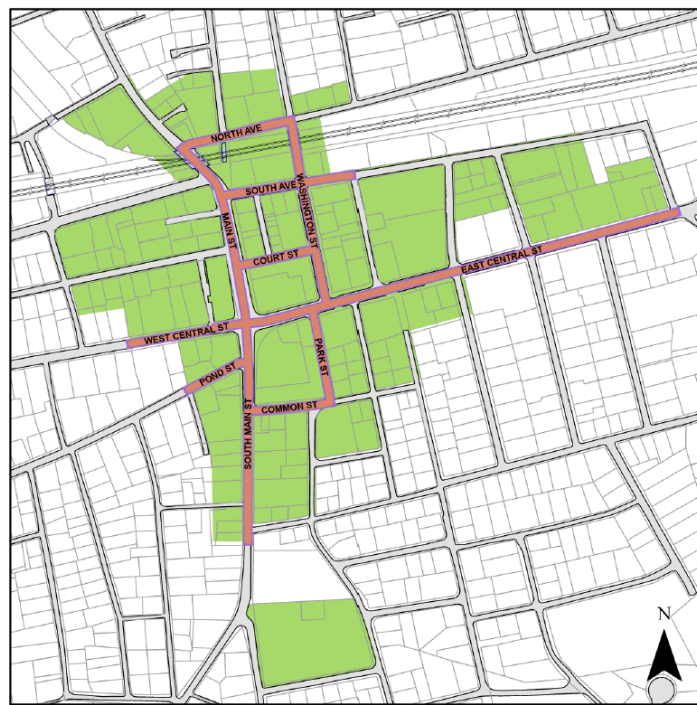
1. Purpose and Intent

The Downtown Mixed-use (DM) District is an economic center that allows a mixture of commercial, cultural, industrial, and residential uses to support a diversified urban center supported by multiple modes of transportation.

2. Use Regulations for DM Zoning District

- a. A Lot in the DM Zoning District may include two (2) or more uses as identified in the DM Zoning District in § III-A.2 Use Regulation Schedule of these Zoning Bylaws.
- b. All projects with a residential component shall comply with § V-J Inclusionary Housing of these Zoning Bylaws.
- c. A Lot within the DM Zoning District may have more than one (1) building or structure per Lot.
- d. To maintain the DM Zoning District as an urban center, non-residential uses shall be required on the first floor for the following roads:
 - Main Street in its entirety, from West/East Central Street to North Avenue;
 - South Main Street from West/East Central Street to south boundary of DM district;
 - North Avenue from North Main Street to Washington Street;
 - South Avenue from Main Street to Clarendon Street;
 - Pond Street from South Main Street to the west boundary of the DM district;
 - East Central Street from Main Street to east boundary of DM district;
 - West Central Street from Main Street to west boundary of DM district
 - Common Street from South Main Street to Park Street;
 - Court Street in its entirety;
 - Park Street in its entirety;
 - Washington Street from East Central Street to North Avenue.

Further, as shown on the Map, below:



(Art. 4, Fall T.M. 10/20/20)

3. Design Requirements

a. Dimensional Requirements

Projects in the DM Zoning District shall comply with § IV.B Intensity Regulations by Zoning District of these Zoning Bylaws, unless modified herein.

b. The Design Review Board (DRB), which is advisory to the Planning Board shall review projects based on the recommendation of the Planning Board per § VI.K Design Review Board of these Zoning Bylaws.

c. The Planning Board may adopt, and from time to time revise and amend, design standards that will guide the design of projects within the DM Zoning District. Such design standards shall be consistent with and promote the Purpose and Intent of the DM District.

4. Findings

The Planning Board shall incorporate the following Findings for projects within the DM Zoning District, to further the goals of the DM Design Guidelines and the recommendations outlined in Natick's long term planning studies.

- i. Sidewalk shall be adequate width to support the anticipated level of activity and usage;
- ii. Building(s) placement consistent with that of other buildings on the streets;
- iii. Building(s) placements supports a walkable pedestrian environment;
- iv. Preservation of historic and architecturally significant features that are characteristic of Natick Center;
- v. Consistent with the recommendations of the Design Review Board (DRB).

5. Compliance

Projects within the DM Zoning District shall comply with § III-E of these Bylaws. Wherever a conflict exists between two (2) sections, § III-E of these Bylaws shall prevail.

(Art. 24, Fall ATM, 10/17/2024)

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III-EE CENTER GATEWAY (CG)

1. Purpose and Intent

To accommodate a variety of residential and non-residential uses, the CG district encourages a variety of building types while promoting redevelopment with a strong multi-modal streetscape and a physical form and design character that signals a transition to and from surrounding districts in relation to the Downtown Mixed Use (DM) district.

2. Use Regulations for CG Districts

a. Projects within the CG district may include two or more uses as identified in the CG District in § III-A.2. Use Regulation Schedule.

b. All projects within the CG district shall be subject to Site Plan Review under § VI-DD of this Bylaw.

- c. Projects with four or more new residential units shall comply with §V-J.
 - d. Projects within the CG district may have more than one building per lot.
 - e. Projects with frontage on East Central Street, North Main Street, and/or Union Street shall provide a minimum of 50 percent of the first floor for non-residential uses.
3. Design Review Board (DRB)
The Design Review Board, established under Section III-E.4 of this Bylaw, shall in addition to and consistent with its authority and specific powers set forth in Section III-E.4.C provide a written recommendation to the Planning Board relative to the design of the project, in accordance with Section III-E.4.D.1-6
 4. Review Standards and Procedures
The Planning Board may adopt, and from time to time revise and amend, design standards and guidelines that will be applicable to all projects within the CG district. Such standards and guidelines shall be consistent with and promote the Purpose and Intent of the CG district.
 5. Compliance
Projects within the CG shall comply with this Section III.EE. Wherever a conflict exists between two sections, this Section III.EE shall prevail.
- (Art. 24, Spring ATM, 05/02/2023; Art. 24, Spring ATM 2024)

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III-F OPEN SPACE RESIDENTIAL DEVELOPMENT

1. PURPOSE
Open Space Residential Development (OSRD) is an alternative design option for the construction of residential neighborhoods that preserve open space, protect natural resources, diversify Natick’s housing stock, and enhance its aesthetic character. Further, the OSRD advances the goals and policies of Natick’s long range planning documents and the Open Space and Recreation Plan.
2. APPLICABILITY
 - a. OSRDs shall be allowed by special permit with site plan review granted by the SPGA;
 - b. All of the land must be in an RSA, RSB, or RSC Zoning District;
 - c. Land may be a single parcel or contiguous parcels in one ownership throughout or consolidated under a Purchase and Sale Agreement having a total gross land area equal to:
 - Four (4) acres or more in the RSA district and RSC district, with a minimum of three (3) acres of Preliminary Area as defined in § V-4.d, and defined as a conforming lot per § IV.B Intensity Regulations by Zoning District; or

- Five (5) acres or more in the RSB district, with a minimum of four (4) acres of Preliminary Area as defined in § V-4.d, and defined as a conforming lot per § IV.B Intensity Regulations by Zoning District.

3. STRUCTURE TYPES AND LOT DESIGN

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

4. DETERMINATION OF RESIDENTIAL UNITS

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

Step 1: Total Land Area less the following:

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

- Recorded Restriction Area
- Priority or Estimated Habitat Area of Rare or Endangered Species
- Foot prints of structures that will remain as part of the OSRD

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

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

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

5. PERMITTING PROCEDURE

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

a. Conservation Commission

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

b. Planning Board

The Planning Board shall review an OSRD project by Special Permit and Site Plan Review, in accordance with the provisions of § VI-DD of this Bylaw. The Planning Board shall adopt additional application requirements, review and approval procedures, and design guidelines to effectuate the implementation of this Section of the Bylaw. (Art. 23, 2024 Spring ATM, 05/09/2024)

6. DIMENSIONAL REGULATIONS

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

7. OFF-STREET PARKING

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

8. OPEN SPACE AND PRESERVATION

a. Preserved Open Space

A minimum of thirty-five (35) percent of the Preliminary Area, shall be set aside as Preserved Open Space with seventy-five (75) percent of such area being contiguous upland area. The Preserved Open Space can be connected and/or located on two sides of a non-buildable easement. Such area shall be permanently protected, and to the extent feasible, meet the conservation goals of Natick's long range plans and the Town's Open Space and Recreation Plan, as amended.

b. Preservation Requirements

Each OSRD Project is expected to preserve and maintain natural features, native trees over eight (8) inches in diameter, habitat areas, and sloped areas. Where possible, development should be sited to preserve and maintain mature native trees and the critical root zone. Meadow and field maintenance and/or trail construction and maintenance may be required through a Homeowners Association or Trust.

c. Open Space Restriction

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

9. INCLUSIONARY HOUSING

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

10. WAIVERS

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

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

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III-G.1 HIGHWAY MIXED USE - III (HM-III) DISTRICT USE REGULATIONS:

1. PERMITTED USES; SITE PLAN REVIEW:

Use Nos. A1, A3, B7, and H6 as set forth in §III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right in the HM-III District. The following additional uses may be allowed upon the issuance of a Special Permit by the Planning Board, subject to § VI-DD of this Bylaw: (Art. 21 and 23, 2024 Spring ATM, 05/09/2024)

- a. Business or professional office or agency, bank or other financial institution;
- b. Hotel or motel;
- c. Administrative office clerical office, statistical office, or establishment for research and development;
- d. Professional or commercial service establishment dealing directly with the general public;
- e. Business training centers;
- f. Retail and wholesale sales including garden shops, open storage, restaurants which do not serve alcoholic beverages, and vehicle service centers which do not sell gasoline or diesel fuel. (Art. 11, 1991 Fall A.T.M.)
- g. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises;
- h. Off-street parking and other accessory uses normally incidental to the permitted uses.
- i. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
- j. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/19)

2. INTENSITY REGULATIONS:

Permitted Use. Nos. 1, 3, 5 and 9 as set forth above shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. The following intensity regulations shall apply to the uses permitted upon Site Plan Review and subject to the issuance of a Special Permit as provided above, in lieu of the intensity regulations set forth in Section IV-B; and in addition the requirements of Section IV-A.5 shall apply.

(Art 11, 1991 Fall A.T.M.; Art. 10, S.T.M. #1 January 21, 1992)

a. MINIMUM AREA AND FRONTAGE FOR SUBMISSION OF A FINAL SITE PLAN:

A tract of land either in the same ownership or separately owned and joined together for purposes of this Section, must have in the aggregate an area of 200,000 square feet and a minimum frontage of 200 feet along the major highway or along a driveway or a subdivision road having a minimum paved width of 30 feet leading from the tract to the major highway as a prerequisite for development and site plan approval under this HM-III Zoning By-law. (Article 11, 1991 Fall A.T.M.)

b. MINIMUM LOT AREA AND FRONTAGE:

Lots may be created in accordance with Subdivision Control law and final site plan approval may be given individually to lots existing or created by subdivision, which have an area of 100,000 square feet and 100 feet of frontage provided they are within an overall tract of land which complies with the Minimum Area and Frontage requirements of Sub-Section (a),

and which lot or lots form part of an overall site plan submitted for approval as to a portion of the parcel containing such lot or lots.

c. MINIMUM LOT DEPTH:

200 feet

d. MINIMUM FRONT SETBACK OF BUILDINGS:

No buildings shall be located closer than 100 feet to the front line of the entire parcel. For this purpose the front line shall be the portion of the entire parcel abutting the major highway. (Art. 11, 1991 Fall A.T.M.)

e. MINIMUM SIDE AND REAR SETBACKS OF BUILDINGS:

No buildings shall be located closer than 100 feet to the side or rear lines of the entire parcel. Where the parcel abuts residentially zoned land the setback of a building shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other non-residentially zoned or used land the side or rear building setback so abutting such land shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure.

f. MAXIMUM BUILDING COVERAGE:

Fifty per cent including accessory buildings.

g. MAXIMUM HEIGHT OF BUILDINGS:

Seventy-five feet.

h. BUFFERING REQUIREMENTS:

A strip of landscaped buffer area at least one hundred and fifty (150) feet in width shall be maintained at side and rear boundaries of that portion of the land situated in Natick abutting single-family residentially zoned land which was not, on January 1, 1992, developed or used for hotel, motel or other commercial uses. Said buffer area shall be free of driveways, parking areas and buildings but may include terraces, retaining walls, berms, plantings, fences, drainage facilities and utilities. Where the side and rear boundaries of the entire tract of land abut non-residentially zoned or used land a landscaped buffer area at least ten (10') feet in width shall be maintained. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; and such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires, buildings shall be so sited as to minimize their being visible from drainage channels ponding areas, pedestrian, vehicular and utility installations. (Art. 1 Fall Session A. T. M. October 6, 1981); (Art. 11, 1991 Fall A.T.M.) (Art. 9, S.T.M. #1, 2/3/93)

i. GARAGES AND PARKING:

Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof lighting shall be screened laterally.

For the purpose of this HM-III district, and notwithstanding any other provision of these By-laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for parallel parking, provided that not more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent

of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 7 S.T.M. # 3 October 27, 1981)

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III-G.2 HIGHWAY PLANNED USE (HPU) DISTRICTS:

1. **PURPOSE AND INTENT:**

Within the purposes expressed in Section 1-A and in the General Laws Chapter 40A, the particular intent of these By-laws relating to HPU Districts is to provide for large-scale development of various commercial uses in a manner that provides flexibility for creative land planning on large parcels of land that are surrounded by One-Family Dwelling development, but that have frontage along a major four lane divided highway. (Art. 21, 2024 Spring ATM, 05/09/2024)

2. **USES:**

A. **PERMITTED AND ALLOWED USES:**

On lots located within an HPU District, all uses permitted as of right and-or all uses allowable on such lots upon the issuance of a Special Permit from the Special Permit Granting Authority, which were permitted or allowable in the zoning district within which said lots were located immediately prior to their being rezoned into an HPU District shall continue to be permitted or allowable uses, respectively, unless the owner or owners elect to develop their property under an Overall Site Plan as provided for in Section 2.B following hereafter, and such Site Plan is finally approved. Use No. 46C shall be permitted as a matter of right and Use No. 46A shall be allowed upon the issuance of a special permit by the Planning Board. (Art. 30, Fall ATM, 10/8/98)

B. **ALLOWED USES-OVERALL SITE PLAN**

In the event the owner or owners of a lot, or several adjacent lots in an HPU district, having in total a minimum area of 25 acres elect to develop their land under an Overall Site Plan then the uses permitted under § 2.A above shall no longer be allowed and the following uses may be permitted by the Planning Board for Special Permit and Site Plan Review, in accordance with § VI-DD of the Bylaw.

Where owners of adjacent lots wish to combine said lots for the purpose of seeking a Special Permit and Site Plan Review under this Section, they must submit a recordable agreement to the Planning Board with applications for Special Permit and Site Plan Review. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest.

Such agreement shall be recorded with the decisions for said Special Permit and Site Plan Review prior to the issuance of any building permit. The following are the only uses which may be allowed in such a development in an HPU District:

(Art. 23, 2024 Spring ATM, 05/09/2024)

- a. Business or professional office or agency; bank or other financial institution; administrative office, clerical office, statistical office, establishment for research and/or development; craft, consumer, professional or other service establishment dealing directly with the general public, excluding the sale of any goods; (Art. 7, STM 6/13/95)
- b. Retail stores. An overall Site Plan may not show retail space which exceeds 20 per cent of the total developed floor space, excluding garages;
- c. The surface or indoor storage and parking of motor vehicles, with no provisions for operations incidental to the sale or servicing of such vehicles; (Art. 7, STM 6/13/95)
- d. Printing or publishing establishment;
- e. Restaurant located within structures in existence prior to January 1, 1994 serving food and beverages to be chiefly consumed on the premises, with no facilities being provided to permit the serving or consumption of food or beverages outside of an enclosed structure, which restaurant shall not be open before 7:00 A. M. nor seat patrons for service after 11:00 P. M. provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district. (Art. 11, Fall ATM 10/4/94)
- f. Structures for indoor recreation uses available only to occupants or their guests, provided any portion of a structure containing such use is at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
- g. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

3. INTENSITY REGULATIONS

- A. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 25 acres.
- B. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 1,500 feet on a 4-lane divided highway.
- C. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet; (excluding staircases, ramps and other facilities required by law for the safe use of the structure).
- D. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 150 feet to the side or rear lines of the parcel. Only garage structures may be located closer than 200 feet to the side or rear lines of the parcel. A setback from the side and rear boundaries of the parcel may be reduced to 50 feet if there is adjacent land outside of the parcel having a conservation restriction of a depth of at least 275 feet.

- E. MAXIMUM BUILDING COVERAGE: 15 per cent, including accessory buildings and exclusive of structures devoted entirely to garages. Additional building coverage may be permitted in accordance with the following formula:

Additional coverage for a garage structure equals No. of parking spaces provided within garage divided by Minimum No. of parking spaces required in By-law, multiplied by 10 percent. Provided, however, that in no event shall the total building coverage for garage structures exceed 10 per cent.

- F. MAXIMUM HEIGHT OF BUILDINGS: 15 feet, if located between 150 and 200 feet of the side or rear property lines, and 36 feet beyond 200 feet of the side or rear property lines. Where the setback is reduced to fifty (50') feet in accordance with the provisions of Section 3. B. (d), a building may be constructed up to a height of thirty-six (36') feet.

- G. LANDSCAPED BUFFER STRIP REQUIREMENT: A strip of landscaped buffer area 100 feet in width shall be maintained by means of a conservation restriction at all side and rear boundaries of the parcel. This buffer strip of landscaped space shall not be required where it abuts other land outside of the parcel which has been preserved by a conservation restriction, provided such other conservation land is at least 275 feet in depth. All landscaping shall be constructed and maintained as follows:

A continuous eight foot high berm shall be provided along the side and rear boundaries of the parcel except where the parcel abuts land which has been preserved by a conservation restriction, provided said conservation land is at least 275 feet in depth. The berm shall contain plantings of evergreen trees that will reach a mature height of 30 feet or greater and which will form an effective year-round screen having an average spacing of 15 linear feet between them. Understory plant materials must be at least 3 feet in height when planted and trees must be at least 12 feet in height when planted. The berm and plantings required herein shall be completed and installed not later than three (3) years from the date the first building permit for the site is issued. (Art. 1 S.T.M. #2 - 10/5/1982)

- H. ACCESS: Access to and from the parcel shall be limited to a single major entrance and exit to the 4 lane divided highway. Reasonable acceleration and deceleration lanes shall also be provided adjacent the highway. One additional exit to the highway may be provided in order to allow for handling peak exiting traffic, provided that it is so restricted to exiting traffic only.

- I. GARAGES AND PARKING: Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof level lighting shall be screened laterally. Where garages are constructed at the minimum permitted setback, no surface parking or roadways shall be permitted between such building and the adjacent buffer strip. However, emergency access ways may be provided, where necessary, surrounding each garage structure.

Where garages are constructed at a height which prevents their being screened by vegetation or trees, adequate architectural treatment shall be given to the garage structure to achieve reasonable and appropriate compatibility with the other structures in the development. For the purpose of this HPU district, and notwithstanding any other provision of these by-laws, an off-street parking space may

have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for parallel parking, provided that no more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 1, S.T.M. #3 October 27, 1981; Art. 11, S.T.M. #1 January 21, 1992; Art. 21, Fall ATM, 10/17/2024)

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III-H - WIRELESS COMMUNICATIONS FACILITIES

1 - PURPOSE AND AUTHORITY

The purpose of these regulations is to assure that wireless communication facilities may be provided by special permit with minimal harm to the public health, safety and general welfare. More specifically, it is desired to minimize the overall number and height of such facilities to only what is essential in order to provide for the rendition of wireless communication services within the Town, and to promote the shared use of such facilities in order to reduce the number of new facilities.

These regulations are specifically permitted under Title 47 (Telegraphs, Telephones and Radiotelegraphs) of the United States Code, Chapter 5 (Wire or Radio Communication), Subchapter III (Special Provisions Relating to Radio), Part I (General Provisions), Section 332 (Mobile Services), (c) [Regulatory treatment of mobile services], (7) [Preservation of local zoning authority].

2 - GENERAL REQUIREMENTS

Special Permit Required. No Free-Standing WCF or Building-Mounted WCF may be erected or installed except upon the issuance of a Special Permit by the Planning Board, subject to § VI-DD.2, Site Plan Review. The Planning Board shall adopt Rules and Regulations regarding the construction, installation, maintenance and removal of WCFs. Such Rules and Regulations shall include a requirement that the Planning Board employ the services of technical consultants who are expert in the Site Selection and coverage for WCFs, who are expert in the field of RF radiation, who are structural experts having experience in WCF tower design, and who otherwise are sufficiently conversant with wireless industry technology to be able to evaluate any proposal for a WCF. The cost of the services of such consultants shall be borne by the Applicant.

Federal Requirements. A WCF monopole tower and its associated structures and accessory equipment shall be located in accordance with the Federal Communication Commission (“FCC”) and the Federal Aviation Administration (“FAA”) regulations in effect at the time of its construction. The operation of such WCF shall comply with all requirements of these agencies in addition to the requirements of these Bylaws.

(Art. 23, 2024 Spring ATM, 05/09/2024)

3 - USE AND INTENSITY RESTRICTIONS

(A) **Location.** Location of any new WCF shall be in a technically suitable space available on an existing communications tower, or on or in an existing building or structure, either as a

first installation or as a co-location, within the geographic area that the new WCF site is to serve. The applicant shall include in its application a description of its efforts in this regard, which as a minimum provides information that less visually obtrusive sites have been considered as part of the site selection process for potential sites, such as church steeples, street lights, clock towers, electric transmission towers, water tanks, and rooftops.

- (B) **Free-Standing WCF.** Should the applicant desire to locate a new FSWCF, after exhausting all opportunities for location on or in an existing building or structure, or on an existing tower, then the applicant must seek to locate such new FSWCF in areas where it is permitted under this Bylaw.
- (C) **Finding.** Before issuing a Special Permit for a free standing WCF, the Planning Board must make a finding that all existing or approved WCF facilities cannot technologically accommodate the WCF requested, or evidence has been received that permission to locate on such facilities has been denied by the owner thereof, a copy of which has been submitted electronically to the Planning Board. (Art. 23, FTM 10/18/2022)
- (D) **Height.** The maximum Height of a Free-Standing WCF Structure shall be 125 feet.
- (E) **Setback.** A Free-Standing WCF shall be set back a minimum distance of 125 feet from any property line on the lot on which it is located, and shall not be located closer than 200 feet to any residence or to any structure accessory to such residence. No setback requirements shall apply to Building Mounted WCF's, to Indoor WCF's, to accessory WCF's or to ground mounted WCF's, provided however that the dimensional and intensity requirements of the underlying zoning district shall continue to apply to the building or structure in or on which the WCF is mounted.

4 - STANDARDS

- (A) **Landscaping and Screening-** Existing on-site vegetation shall be preserved to the maximum extent practicable. WCFs shall be located on the landscape or on a structure in such a manner so as to minimize visibility from abutting streets and residences. Additional landscaping or screening may be required, if necessary to accomplish minimizing visibility from abutting streets and residences while still permitting the WCF to carry out its functions.
- (B) **Authorization by Property Owner-** Applicants proposing to construct a WCF on land or structures, including Federal, State or municipally owned land or structures, shall provide evidence of authorization from the owner of such land or structure having the authority to extend such authorization and having control of such land or structures. Such evidence shall include a copy of the lease entered into between the applicant and the owner or Federal, State or Town Agency.
- (C) **Fencing** - Fencing shall be provided to control access to and to secure a free standing WCF site. Fencing in residential areas shall not be of barbed or razor wire material.
- (D) **Signs** - There shall be no signs, except for announcement signs, "no trespassing" signs and a required sign giving a phone number where the owner of the WCF can be reached on a twenty-four (24) hour, 7 days per week basis. All signs shall conform to the requirements of Section V-H.
- (E) **Lighting** - Lighting of the WCF shall be prohibited except as may be required by the Federal Aviation Administration (FAA). Notwithstanding the foregoing, lighting may be permitted to the extent that it is needed for emergencies.

- (F) **Parking** - There shall be a minimum of one (1) parking space for each WCF facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- (G) **Utilities** - All electric and other utility lines servicing a WCF, including network hard wire interconnections from the WCF, shall be via underground lines.

5 - EXEMPTIONS

Facilities for the purposes set forth in M.G.L. c40A, Section 3, and the following types of WCF are exempt from the provisions of this Section III-H.

- (A) **Amateur Radio Towers** - Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that any tower employed is not used or licensed for commercial purposes.
Household Uses - A device for customary household use such as a conventional chimney mounted television antenna, or a home satellite dish used in conjunction with a One-Family or Two-Family Dwelling. (Art. 21, 2024 Spring ATM, 05/09/2024)
- (C) **Public Safety** - Towers and antennas used exclusively for non-commercial, public safety purpose by a Town Agency. Provided, however, that a Town Agency may locate a commercial antenna or antennas on a public safety tower if authorized by special permit issued in accordance with this Section III-H. The addition of any such commercial antenna shall not require Site Plan Review. (Art. 18, A.T.M - October 21, 2008)

6 - OPERATIONAL REQUIREMENTS

- (A) **Expansion of Use** - Any proposed extension in the height, addition of cells, antennae or panels, construction of a new WCF, or replacement of a WCF, shall be considered to be a change in a material respect of a previously issued Special Permit and approved site plan requiring a new application for an amendment or modification to the Special Permit in the same manner as provided for obtaining initial approval.
- (B) **Annual Certification** - Annual certification demonstrating continuing compliance with the standards specified in this Section III-H-4 and the standards of the FCC, FAA and the American National Standards Institute (ANSI), and compliance with required maintenance and any conditions of the Special Permit, shall be filed with the Building Inspector and the Planning Board by the Special Permit holder on or before January 1st of each year of operation.
- (C) **Unused Facilities** - All obsolete or unused WCF or parts thereof or accessory facilities and structures which have not been used for six (6) months shall be dismantled and removed at the owners expense within thirty (30) days after notification by the Building Inspector.
- (D) **Security** - The Planning Board may require as a condition of the issuance of a Special Permit an acceptable form of security to provide a performance guarantee for compliance with the requirements of the WCF Overlay District, to cover the costs needed to evaluate whether the WCF is still being used, and to remove unused facilities, and to restore the area to its original condition. Any amounts remaining from such security will be returned to facility owners after successful removal and restoration.
- (E) **Expiration** - Special Permits granted for a WCF shall be limited to a term of five (5) years but not to extend beyond the FCC license period granted to the Applicant. The Applicant may file to renew or extend its Special Permit, but must file for such renewal or extension when seeking a renewal or extension of its FCC license. This will allow periodic review by the Planning Board to evaluate permit conditions reflecting advances in knowledge,

experience and technology so that improved technology may be substituted for that initially permitted hereunder.

- (F) **Technology** - A WCF monopole shall be designed to accommodate the maximum number of uses technologically practical. WCF equipment shall be downsized to the extent practicable, as technology advances. Such WCF equipment shall be removed when no longer needed to fulfill the current FCC license requirements.
- (G) **New Owner** - All conditions and requirements of the Special Permit issued hereunder, and all requirements of the Planning Board Rules and Regulations regarding WFCs shall be transferred to any new owner of a WCF site.

(Art. 30, Fall ATM, 10/8/1998)

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Section III-I.1: Assisted Living Residences

- 1. Purpose and Intent:** To provide a residential environment that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life.
- 2. Applicability:** The Planning Board, acting as Special Permit Granting Authority (SPGA), shall conduct review of an application for Special Permit and Site Plan Review, in accordance with § VI-DD of these Bylaws, for the construction of an Assisted Living Residence (ALR). (Art. 23, 2024 Spring ATM, 05/09/2024)
- 3. Allowed Uses:** The Planning Board, as hereinafter provided, may grant a Special Permit and Site Plan Review pursuant to § VI-DD, of this Bylaw, and further under the following standards and requirements (Art. 23, 2024 Spring ATM, 05/09/2024):
 - a.** An Assisted Living Residence (ALR) shall provide residences of no more than two (2) bedrooms each exclusively to meet the needs of seniors and the elderly together with their spouses, surviving spouses, and resident staff.
 - b.** Such facility may include common areas and community dining facilities, and may provide personal care services, activities of assistance with daily living, and other related programs and services. This may include, but is not strictly limited to, meal care services, beauty salon, sundry shop, and banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
 - c.** At the time of application, the Applicant must demonstrate to the satisfaction of the SPGA the feasibility of future conversion of the facility to a use permitted for the zoning district.
 - d.** The SPGA, in order to approve the applications for Special Permit and Site Plan Review for an ALR, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. (Art. 23, 2024 Spring ATM, 05/09/2024)

4. **Procedures:** The procedures to be followed in obtaining approval for an Assisted Living Residence (ALR) are:
 - a. RESERVED (Art. 23, 2024 Spring ATM, 05/09/2024):
 - b. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed. (Art. 23, 2024 Spring ATM, 05/09/2024)
 - c. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include at a minimum a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALR parcel prior to submitting a formal application. The application for a Special Permit and Site Plan Review shall be filed by the applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA. (Art. 23, 2024 Spring ATM, 05/09/2024)
 - d. Further procedures: Once a decision for Special Permit and Site Plan Review is issued, no changes to the final site plan, exclusive of minor modifications as determined by the Planning Board, shall be made without applying for a modification, pursuant to § VI-DD. (Art. 23, 2024 Spring ATM, 05/09/2024)
5. **Number of Living Units:** The number of living units allowed in an Assisted Living Residence (ALR) shall not exceed 30 living units per acre (43,560 s.f.), subject to the intensity regulations pertinent to the respective Zoning District, as set forth in § IV-B. (Art. 23, 2024 Spring ATM, 05/09/2024)
6. **Intensity Regulations:** The Assisted Living Residence (ALR) is subject to the intensity regulations pertinent to its zoning district, as set forth in Section IV-B
7. **Preserved Open Space:** It is desirable that open space that is created for use in conjunction with the facility is retained as a visual amenity for neighbors and to residents of the Town.
8. **Affordability Requirements:** Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities (EOHLC), the Applicant shall be subject to and comply with all provisions of § V-J of this Bylaw. (Art. 52, F.T.M. 10/17/17; Art. 32, Fall TM 10/16/18; Art. 23, 2024 Spring ATM, 05/09/2024)
9. **Modifications and Waivers:** The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E. (Art. 37, Spring ATM, 4/11/2017)

(Art. 44, Spring ATM, 4/27/10)

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Section III-I.2.: Independent Senior Living Overlay Option Plan

- 2.1. Purpose. The purpose of an ISLOOP is to provide for the creation of Independent Senior Living Facilities to meet the needs of a senior population (age 62 and over) and to provide an alternative development option for parcels in residential single zones which are subject to ISLOOP Overlay Zoning by enabling Independent Senior Living Facilities (“ISLF”) which provide a residential environment that may offer services and/or amenities to individuals 62 years of age or older who are able to live independently in a supportive elderly environment. The goal of the ISLOOP includes the creation of ISLF’s which are located in close proximity to the other facilities in the Town which provide services to the senior population.
- 2.2. Applicability and Eligibility. The Planning Board, as the SPGA, may grant a Special Permit and conduct Site Plan Review in accordance with § VI-DD and § III-I.2 for the construction of an Independent Senior Living Facility in an ISLOOP eligible zone. To be eligible to be placed in an ISLOOP, a parcel must satisfy the following criteria (Art. 23, 2024 Spring ATM, 05/09/2024):
 - i) have at least 50,000 square feet and no more than 150,000 square feet of Net Usable Land Area, and
 - ii) located to:
 - a. have continuous frontage located within 400 feet of an AP District on the same side of the street as the AP District, not be within 800 feet of a Smart Growth Overlay (SGO) zone, and not be within 200 feet of a Commercial II (C-II) zone or
 - b. (Reserved For future Eligibility Criteria for Other Locations) and
 - iii) have a lot depth of at least 220 feet measured from the shortest distance measured along the side lot lines from the lot front and lot rear property lines.

Net Usable Land Area as used herein shall mean the area within the parcel to be used for the ISLF Development in accordance with this Section remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for Elderly Family residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100-year flood plain elevations, and wetland boundaries. Notwithstanding the foregoing, the calculation of Net Usable Land Area shall be subject to a maximum limit not to exceed 80% of overall parcel size inclusive of the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation. For the purposes of this paragraph, wetlands shall not include any area that was created or converted into a wetland by human activity including without limitation Federal, State or municipal improvements.

Net Usable Land Area may include any area of a parcel that is zoned Residential Single.

- 2.3 Allowed Uses. All of the uses allowed in the underlying zoning district shall continue to be allowed within the ISLOOP. All of the regulations applicable to the underlying zoning district shall continue to apply in the ISLOOP except to the extent that they are specifically modified or supplemented by other applicable provisions of the ISLOOP.
Elderly Family Residences and Independent Senior Living Facilities shall be allowed by Special Permit in the ISLOOP.
- 2.4 Standards. The Planning Board may grant an ISLOOP Special Permit and conduct Site Plan Review per the Findings and Criteria set forth in § VI-DD, in addition to specific ISLOOP standards as follows (Art. 23, 2024 Spring ATM, 05/09/2024)::

1. The ISLF shall provide residences (living units) of no more than two bedrooms each exclusively to meet the needs of seniors in Elderly Family Residence dwelling units.
 2. Such facility may include common areas and community dining facilities. Such facility may also provide accessory personal care services, activities for residents, and other related programs and services. These accessory uses shall be for residents, their guests and staff only and may include, but are not strictly limited to, meals, personal care services, beauty salon, sundry shop, and banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
 3. The SPGA, in order to approve the special permit application, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. In addition, the SPGA, in order to approve the site plan review application, must find that: i) all noise, smoke, dust, odor, vibration and similar objectionable features are confined to the premises, ii) mechanical equipment (including equipment and containers such as, but not limited to, waste disposal, recycling and energy generation) are screened, if necessary, in a manner to shield visual impacts; iii) lighting is shielded in a manner consistent with § V-I of this Bylaw to reduce light trespass onto abutting properties or waterways; iv) paint colors and tones of materials be muted and not create visual distraction; v) design standards be consistent with a) the general neighborhood, b) prevalent streetscape, c) nearby historic districts, if any, within 300 feet of the property, and sighting shall reduce disruption of the topography of the neighborhood and d) barrier free design criteria; vi) buffers of native evergreen trees and other plants shall be planted, maintained and replaced when necessary to screen the facility from adjacent residential buildings; vii) parking, access and buffers are placed in a manner to separate or to screen parking areas from abutting properties to prevent imposition on or use of parking on abutting properties; viii) all utilities, wire, and cable service are placed underground. (Art. 23, 2024 Spring ATM, 05/09/2024)
 4. As part of the Special Permit process, the SPGA shall require a covenant, consistent with the requirements of MGL c. 184, § 26, to be recorded at the registry of deeds restricting the units in the ISLF to be available to and occupied by only persons specified within the requirements of the definition of Elderly Family Residences. (Art. 23, 2024 Spring ATM, 05/09/2024)
- 2.5. Intensity Regulations: Any building erected pursuant to the provisions of this ISLOOP district shall be subject to the following intensity regulations and requirements:
1. Maximum Unit Density: The number of units allowed in the ISLF shall be equal to the Net Usable Land Area divided by 2,100 rounded to the nearest whole number.
 2. Maximum Building Height: 2 and ½ stories or 35 feet
 3. Minimum Setbacks:
 - a. Front yard setback: 40 feet; or a distance that is no less than the average setback of the buildings that are located on the same side of the street of the subject parcel, within 450 feet of the subject parcel provided that the SPGA makes a specific finding in writing that the reduced setback results in a substantially better design. (Art. 17, Fall T.M. 10/20/20)
 - b. Rear yard setback: 40 feet
 - c. Side yard: 30 feet

4. Maximum Building Coverage: 25% of Net Usable Land Area
 5. Width and Additional Setbacks: Notwithstanding any other provision to the contrary, no new building shall be permitted on any portion of a parcel having a width less than one half of the square root of the Net Usable Land Area. Both the main entrance to the building and a minimum of 40% of the width of the building, as measured across the front yard, shall be located at least 80 feet back from the front line of the parcel.
The SPGA may allow a setback of less than 80 feet for the main entrance to the building and the minimum of 40% of the width of the building, in an amount no greater than the difference between 40 feet and the lesser Front Yard Setback, if the lesser Front Yard Setback is permitted as provided for in Section III-I.2.2.5.3.a provided that that the SPGA makes a specific finding in writing that the lesser setback results in a substantially better design. (Art. 17, Fall T.M. 10/20/20)
 6. Minimum Open Space: 35% of land area exclusive of any permanent body of water but inclusive of wetlands
 7. Minimum Parking: One space per unit
 8. Minimum Continuous Frontage: 120 feet
 9. Sky Exposure Plane: The roof of the building may not project beyond a sky exposure plane determined from a line 10 feet in from and parallel to the lot frontage line in a rise:run ratio of 0.50:1.00 00 or to such lesser amount as may be necessary to allow for a Front Yard Setback of less than 40 feet as provided for in Section III-I.2.2.5.3.a provided that that the SPGA makes a specific finding in writing that the lesser Sky Exposure Plane results in a substantially better design. (Art. 17, Fall T.M. 10/20/20)
- 2.6 Affordability Requirements: The Applicant shall make provisions for affordable housing by complying with all the requirements of Section V-J. The provisions of this section may be satisfied, at the option of the Applicant, by providing for the maintenance and monitoring of a 10% affordability requirement of the total units in an ISLF instead of the designation and restriction of particular specific units within an ISLF if such ISLF is composed entirely of rental units. (Art. 32, Fall TM 10/16/18)
- 2.7 Procedures. In addition to the process set forth in sections VI-DD and VI-EE, the following procedures are to be followed in obtaining approval for an ISLF:
1. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
 2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include, at a minimum, a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ISLOOP parcel prior to submitting a formal application. A complete special permit application shall be filed electronically with Community and Economic Development through the Town's online permitting portal. (Art. 23, FTM 10/18/2022)
 3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

2.8 Bonus Density and Open Space Public Benefit Amenities

Notwithstanding anything else to the contrary, the SPGA may grant additional density or intensity if the Applicant provides an Open Space Public Benefit Amenity in the form of 1) public trails, 2) trails or walkways which create additional access to existing municipal facilities or 3) public parks. Public parks shall not be less than i) 100 feet in minimum width and ii) 10,000 square feet in Net Usable Land Area. For the purposes of this section, an Open Space Benefit Amenity obtained or granted under this section may, at the discretion of the SPGA, permit the ISLF to provide transportation services for ISLF residents, by the use of an electric motorized golf cart type conveyance on the portion of public trails and/or walkways located on the parcel. The maximum increase in density allowable shall be the number of units calculated as the land area in square feet of the Open Space Public Benefit Amenity divided by 800 rounded to the nearest whole number. Any Open Space Public Benefit Amenity shall not be considered when measuring setbacks.

2.9 Modifications and Waivers

The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E. (Art. 41, Spring ATM, 4/11/2017)

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Section III-I.3: Assisted Living Overlay Option Plan

2.1. Purpose

The purpose of the ALOOP is to provide for the creation of Assisted Living Residences (ALRs) as defined in and in compliance with the rules, regulations and requirements of MGL c. 19D and 651 CMR 12.00. Accordingly, ALRs in Natick’s ALOOP districts shall comply with the Executive Office of Elder Affairs (EOEA) guidance: that ALRs are an important part of the spectrum of living alternatives for the elderly in the Commonwealth; that they should be operated and regulated as residential environments with supportive services and not as medical or nursing facilities; and that they should support the goal of aging in place through services, available either directly or through contract or agreement, to compensate for the physical or cognitive impairment of the individual while maximizing his or her dignity and independence. ALOOP Overlay Zoning will enhance the Town of Natick’s ability to improve the quality of life for its growing senior population in an ALR environment that fosters interdependence, community access, and resident empowerment. As such, ALOOP districts should have access to public transportation, emergency services, public parks and walking trails, cultural, educational, and recreational opportunities, and other community service and involvement opportunities.

2.2. Applicability and Eligibility

The provisions of this Section III-I.3 may be utilized on any land located within the ALOOP districts, subject to the requirements and standards set forth in this section.

All regulations of the underlying zoning districts shall apply within the ALOOP districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section III-I.3. Where the requirements and standards within the ALOOP district, as set

forth in this Section, differ from or conflict with applicable requirements and standards set forth elsewhere in this By-Law, the requirements and standards established for the ALOOP district shall control.

ALRs shall be allowed by Special Permit in the ALOOP.

2.3 Net Usable Land Area

Net Usable Land Area as used herein shall mean the area within the parcel to be used for the ALR Development in accordance with this Section remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for ALRs. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100-year flood plain elevations, and wetland boundaries. Notwithstanding the foregoing, the Net Usable Land Area shall not exceed 80% of the overall parcel size inclusive of the areas of any bodies of water, wetlands, or land lying within the 100-year flood elevation. For the purposes of calculating Net Usable Land Area and notwithstanding any provision of law to the contrary, wetlands shall not include any area that was created or converted into a wetland by human activity including without limitation Federal, State, or Municipal improvements.

2.4 Waivers & Modifications

The SPGA is authorized to grant modifications and/or waivers from strict compliance with the provisions of this ALOOP in connection with Site Plan Review and/or Special Permits subject to the permissions, criteria, limitations, restrictions, and prohibitions of Section V-E of the Zoning Bylaw.

2.5 Intensity Regulations for the ALOOP Districts

Maximum Unit Density:	The number of living units allowed in an ALOOP shall be equal to the living Net Useable Land Area divided by 1,600 rounded to the nearest whole number.
Minimum lot area	100,000 square feet
Minimum frontage	two times the frontage required in the underlying zoning district
Minimum front yard setback	40 feet
Minimum side-yard setback	two times the setback required in the underlying zoning district
Minimum rear-yard setback	two times the setback required in the underlying zoning district
Minimum lot depth	two times the depth required in the underlying zoning district
Maximum building height	the lesser of 3 stories or 35 feet
Minimum Open Space	35% of land area exclusive of any permanent body of water but inclusive of wetlands.

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2.6 Standards

The Planning Board may grant a decision for a ALOOP Special Permit and Site Plan Review, as set forth in § VI- DD of this Bylaw, in addition to specific ALOOP standards as follows (Art. 23, 2024 Spring ATM, 05/09/2024):

1. The ALR shall provide residences (living units) of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly who reside therein.
2. Such facility may include common areas and community dining facilities. Such facility may also provide accessory personal care services, assistance with activities of daily living, and other related programs and services. These accessory uses shall be for residents, their guests, and staff only and may include, but are not strictly limited to, meal care services, beauty salon, sundry shop, banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
3. The SPGA, in order to approve the special permit application, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. In addition, the SPGA, in order to approve the site plan review application, must find that: i) all noise, smoke, dust, odor, vibration and similar objectionable features are confined to the premises, ii) mechanical equipment (including equipment and containers such as, but not limited to, waste disposal, roof top and ground mounted HVAC units, recycling and energy generation) is screened, if necessary, in a manner to shield visual impacts; iii) lighting is shielded in a manner consistent with § V-I of this Bylaw to reduce light trespass onto abutting properties or waterways; iv) paint colors and tones of materials be muted and not create visual distraction; v) design standards be consistent with a) the general neighborhood, b) prevalent streetscape, c) nearby historic districts, if any, within 300 feet of the property, and sighting shall reduce disruption of the topography of the neighborhood and d) barrier free design criteria; vi) buffers of native evergreen trees and other plants shall be planted, maintained and replaced when necessary to screen the facility from adjacent residential buildings; vii) parking, access and buffers are placed in a manner to separate or to screen parking areas from abutting properties to prevent imposition on or use of parking on abutting properties; viii) all utilities, wire, and cable service are placed underground. (Art. 23, 2024 Spring ATM, 05/09/2024)

2.7 Affordability Requirements:

Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make provisions for affordable housing by providing that ten (10) percent of all dwelling units, rounded to the next highest whole unit number, within an ALOOP shall be Affordable Housing units.

2.8 Procedures.

In addition to the process set forth in Sections VI-DD 2A and VI-DD 2B, the following procedures are to be followed in obtaining approval for an ALR:

1. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include, at a minimum, a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALOOP parcel prior to submitting a formal application. A complete special permit application shall be filed electronically with Community and Economic Development through the Town’s online permitting portal. (Art. 23, FTM 10/18/2022)
3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

Art. 34, Spring ATM, 4/10/2018)

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Section III-J - Historic Preservation

1. Purpose.

The purpose of this Section III-J is:

1. To encourage the preservation and continued use of buildings of historic or architectural significance.
2. To protect the existing character of neighborhoods by the adaptive re-use of such buildings or structures.

2. Applicability.

The Special Permit Granting Authority (“SPGA”) may grant a special permit for re-use, construction, and occupancy of buildings, and structures relating to qualifying buildings, if either of the following criteria are met:

1. Determination by the State Historical Commission that the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such.
2. Unanimous vote of the Natick Historical Commission, subsequent to a public hearing, that the building or structure is of historic, architectural or cultural significance.

3. Permitted Uses.

Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses, subject to and consistent with the provisions of Section V-J: (Art. 32, Fall TM 10/16/18)

1. Town Houses;
2. Multi-family Dwelling (Art. 21, 2024 Spring ATM, 05/09/2024);
3. Home Occupation (Art. 21, 2024 Spring ATM, 05/09/2024);

4. Performing arts training and education, including dance, circus arts, and creative movement. This use includes ancillary student performances and exhibitions. (Art. 28, Spring TM, 4/13/21)

4. Jurisdiction.

Where the proposed uses of a parcel in any district under this Section would require obtaining a special permit, the Planning Board shall act as the SPGA.

5. Pre-Application Review.

To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the SPGA and Community Development Director for general discussion, using the aquifer protection, soil survey, drainage, topographic and other data available from the Town.

6. Application.

1. The applicant for a Historic Preservation development project shall submit to the SPGA a formal application for a special permit and site plan review, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the SPGA relative special permits and site plan review. The application shall be filed in the name of the record owner of the parcel to be developed. Date of application shall be the date when filing is made with the SPGA.
2. Special Permit; Procedures. In addition to the requirements of the Rules and Regulations of the SPGA, the following additional requirements shall apply:
 - a. A fire prevention and fire suppression plan.
 - b. Hazardous materials assessment, removal or remediation plan.
 - c. Itemization of historic features and materials for preservation.
3. The applicant may request in writing a waiver of any of the foregoing requirements in paragraph 2, above, which request shall be communicated by the SPGA within three (3) business days of its receipt to the Board of Health, the Historical Commission and the Design Review Board (hereinafter, the "Advisory Bodies"). Unless one of the Advisory Bodies communicates its decision to require the materials sought to be waived, within twenty two (22) days of the making of such request, the waiver may be granted by the SPGA.
4. The SPGA shall provide copies of the application and all other submittals of the applicant within three business days of filing to the Advisory Bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to twenty two (22) days following the filing of the application.
5. All reports of any of the Advisory Bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.

7. Requirements. A Historic Preservation development project must conform to the following:

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. Net Useable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel.

2. Notwithstanding 7.1 the number of dwelling units allowed shall be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.
3. New construction shall be limited to 10 percent of the interior habitable floor area or above grade gross volume of the historic building. This shall exclude aspects of construction that pertain to components required for code compliance for access and egress, such as stairs and elevators.
4. Intensity Regulations: Deleted (Art. 37, Spring ATM, 4/11/2017)
5. Flood Zones. No construction shall take place within the 100 year flood elevation except in conformity with the requirements and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.

8. Modification and Waivers.

The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives of the Districts in which a Historic Preservation project is located, in accordance with Section V-E and provided further that such waiver and/or modification is necessary in order to encourage the preservation of the historic building. Art. 37, Spring ATM, 4/11/2017)

9. Special Permit Criteria.

Approval of the application for a special permit to allow for a Historic Preservation project shall be granted only upon SPGA determination that the Plan is superior to a conventional site development. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The proposed project substantially preserves the building or structure.
2. Determination that the development is not substantially more detrimental to abutting properties and neighborhood.
3. Appropriate use of materials and manner of construction.
4. Preservation of landscape features and scenic views.

(Art. 37, Fall A.T.M. 10/21/2014)

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Section III-K: Marijuana Establishments

1. Purpose.

In addition to Section 100, the purpose of this Section is to regulate the time, place and manner of Adult Use Marijuana Establishments. The zoning will serve to preserve the character of the community and create a place for the public to have access to legal marijuana while mitigating community impact. This Bylaw shall provide regulations and criteria that will support the

public's right to access legal marijuana, protect the public health, safety, and well-being and expand new growth for the tax base.

2. Relationship to underlying districts and regulations

- 2.1 The Adult Use Marijuana Overlay Districts shall overlay all underlying districts so that any parcel of land lying in an Adult Use Marijuana Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.
- 2.2 All regulations of the underlying zoning districts shall apply within the Adult Use Marijuana Overlay Districts, except to the extent that they are specifically modified or supplemented by other provisions of the applicable Adult Use Marijuana Overlay District.

3. Scope.

This Section III-K relates only to Marijuana Establishments authorized by General Laws, Chapter 94G, and not to Registered Marijuana Dispensaries authorized by General Laws, Chapter 94I; the location and operation of which is governed by Section III.323.8 of these Bylaws, nor to marijuana-related businesses not required to be licensed by Chapter 94G, except as otherwise provided for herein.

4. Definitions.

The terms used herein shall be interpreted as defined in the regulations governing Adult Use of Marijuana (935 CMR 500.00) and otherwise by their plain language, and shall apply only to this Section III-K.

Commission: The Cannabis Control Commission established by M.G.L. c.10, s.76 with authority to implement the state marijuana laws, including, M.G.L. c.94I, and M.G.L. c.94G, and all related regulations, including 935 CMR 500.00, 935 CMR 501.00 and 935 CMR 502.00 .

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand marijuana or marijuana products and to transport marijuana to Marijuana Establishments, but not to consumers.

Delivery Courier: An entity licensed by the Commission to deliver marijuana products from a licensed marijuana retailer to customers. A delivery courier is not authorized to actually sell marijuana products to consumers—only to deliver from retailers, who make the sales themselves. (Art. 26, Spring TM, 4/13/21)

Delivery Operator: An entity licensed by the Commission to purchase marijuana products at wholesale, to warehouse the products, label them (but not repackage them), sell them and deliver them. It may not operate a storefront retail operation; all sales must be through delivery. (Art. 26, Spring TM, 4/13/21)

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community Agreement: An agreement, pursuant to M.G.L. c.94G, s.3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties.

Independent Testing Laboratory: A laboratory that is licensed by the Commission in accordance with 935 CMR 500.00

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, preparing and maintaining soil and other media and promoting the growth of marijuana by a marijuana cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for marijuana cultivation. Such use is not agriculturally exempt from zoning.

Marijuana Cultivator: An entity licensed by the Commission to cultivate, process and package marijuana, to transfer marijuana to other Marijuana Establishments, but not directly to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (Registered Marijuana Dispensary).

Marijuana Microbusiness: A Marijuana Establishment that can be either a Marijuana Cultivator or Product Manufacturer or both, licensed in accordance with the requirements of 935 CMR 500.00.

Marijuana Products: Marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana or marijuana products and to transfer these products to other Marijuana Establishments, but not directly to consumers.

Marijuana Retailer: An entity licensed to purchase and transport marijuana or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering marijuana or marijuana products to consumers and from offering marijuana or marijuana products for the purposes of onsite social consumption on the Premises of a Marijuana Establishment.

Third Party Marijuana Transporter: An entity, that is licensed to purchase, obtain, and possess marijuana or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not directly to consumers.

Premises: Any indoor or outdoor location over which a Marijuana Establishment or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.

Process or Processing: To harvest, dry, cure, trim and separate parts of the marijuana or marijuana plant by manual or mechanical means, except it shall not include manufacturing of marijuana products as defined in 935 CMR 500.002.

Marijuana Research Facility: An entity licensed to engage in marijuana research projects by the Commission.

5. Place.

5.1 A Marijuana Establishment is only permitted by Special Permit issued by the Planning Board as the Special Permit Granting Authority (SPGA) only in the Industrial Marijuana Overlay (IMo) and the Retail Marijuana Overlay (RMO) zoning districts as specified in the Marijuana Establishment Use Regulation Schedule below, and as follows: Craft Marijuana Cooperatives, Delivery Courier, Delivery Operator, Marijuana Cultivators, Marijuana Microbusinesses, Marijuana Product Manufacturers, Independent Testing Laboratories, Marijuana Research Facilities and Third Party Marijuana Transporters are allowed to locate in the Industrial Marijuana Overlay (IMo) district. Marijuana Retailers are allowed in the Retail Marijuana Overlay (RMO) district. (Art. 26, Spring TM, 4/13/2021)

5.2 Marijuana Establishment Use Regulation Schedule

Marijuana Establishment Uses	IMo	RMO	RG	RM	RS	PCD	SH	AP	DM	HM	HPU	LC	CII	INI	INII	H
Craft Marijuana Cooperatives	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<u>Delivery Courier</u>	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<u>Delivery Operator</u>	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Cultivators	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Microbusinesses	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Product Manufacturers	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Research Facilities	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Third Party Marijuana Transporters	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Independent Testing Laboratories	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Retailers	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Other Adult-Use Marijuana Establishments	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Y = Permitted By-Right SP = Allowed by Special Permit N = Not allowed or permitted

(Art. 26, Spring TM, 4/13/21)

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- 5.3 No Marijuana Establishment shall be located within a building containing residential units, including transient housing and group housing.
- 5.4 No Marijuana Retailer shall be located within 500 feet of another Marijuana Retailer. Distance shall be measured by a straight line from the nearest point of the building in question to the nearest point of the building where the Marijuana Establishment is or will be located.
- 5.5 With the exception of a licensed Marijuana Transporter, no Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location.
- 5.6 Home Occupation: Marijuana Establishments are not permitted as a Home Occupation, as defined within the Zoning Bylaw.
- 5.7 Use Variances: Notwithstanding any other provision of this Bylaw, no use variances shall be allowed for any Marijuana Establishment in the Town of Natick.

6. Time and Manner.

- 6.1 Odor: No Marijuana Establishment shall allow the escape of odors or gases from the cultivation, processing, storage, or manufacturing of marijuana or marijuana products. Every Marijuana Establishment shall incorporate odor control technology, to the extent necessary, to ensure that emissions do not violate M.G.L c. 111, s. 31 C.
- 6.2 Signage: All signage shall comply with the requirements of 935 CMR 500, and Section V of this Zoning Bylaw.
- 6.3 Intentionally left blank.
- 6.4 Visual Impact: Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and Marijuana Establishments shall comply with the requirements of 935 CMR 500 with respect to visibility of marijuana and marijuana products. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the SPGA shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.
- 6.5 Nuisance: Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding the Premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, excessive pedestrian or vehicular traffic, littering, loitering, illegal parking, loud noises, excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public or private way (sidewalks and streets).
- 6.6 Security: The applicant shall submit a security plan to the Police Department to demonstrate that there is limited undue burden on the Town public safety officials as a result of the proposed Marijuana Establishment. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site locations to ensure the safety of employees and the public and to protect the Premises from theft or other criminal activity. A letter from the Natick Police Department to the Planning Board acknowledging receipt and approval of such a security plan shall be submitted as part of the Special Permit application. Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers are at least 21 years of age.

7. Adult On-Site Social Consumption.

- 7.1 On-site consumption of marijuana and marijuana products, as either a primary or accessory use, shall be prohibited at all Marijuana Establishments unless permitted by a local ballot initiative process, as allowed by M.G.L. c.94G s.3(b). The prohibition of on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the Premises, regardless of whether the product is sold to consumers on site.

8. Criteria for Issuance of Special Permit.

- 8.1 Host Community Agreement: No Special Permit shall be granted without first having an executed Host Community Agreement with the Town of Natick.
- 8.2 Community Outreach Meeting: No Special Permit application shall be deemed complete until a Community Outreach Meeting in accordance with 935 CMR 500 has occurred.
- 8.3 State Law: Marijuana Establishment operations shall conform at all times to M.G.L., c.94G, and regulations issued thereunder.
- 8.4 License requirements:
- 8.4.1 The applicant shall submit proof that the application to the Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided.
- 8.4.2 No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.
- 8.4.3 No person shall operate a Marijuana Establishment without having a license in good standing from the Commission.
- 8.5 Energy Use: All Marijuana Cultivators shall submit an energy use plan to the SPGA to demonstrate best practices for energy conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.
- 8.6 Line Queue Plan: The applicant shall submit to the SPGA a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be obstructed.
- 8.7 Traffic Impact Statement: Any Marijuana Establishment open to the general public shall submit a detailed Traffic Impact Statement to the SPGA.
- 8.8 Parking: The Site Plan shall be in accordance with Section V-D Off-Street Parking and Loading Requirements
- 8.9 Permitting: The Planning Board shall be the Special Permit Granting Authority (SPGA). In addition to this Section, Marijuana Establishments, shall be subject to § VI-DD Special Permit and Site Plan Review of this Bylaw. A special permit granted under this Section shall have a term limited to the duration of the applicant’s control and/or use of the Premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit. (Art. 23, 2024 Spring ATM, 05/09/2024)

- 8.10 Hemp: For the purposes of this Bylaw, the cultivation of hemp shall require a Site Plan Review in accordance with §VI-DD.2 and comply with all applicable sections herein. (Art. 23, 2024 Spring ATM, 05/09/2024)
- 8.11 Notice of Enforcement Order: A Marijuana Establishment shall file notice with the Town Administrator, Director of the Health Department, Police Chief, and the Building Commissioner within 24 hours of receipt of any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state agency (including, but not limited to, the Commission and Massachusetts Department of Public Health) regarding the Marijuana Establishment or the Marijuana Establishment’s Cannabis Control Commission license.
- 8.12 Annual Inspection: Any operating Marijuana Establishment within the Town shall be inspected annually by the Building Inspector, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the SPGA as a condition of the Special Permit approval.

9. Severability.

If any provision of this Section III-K is found to be invalid by a court of competent jurisdiction, the remainder of Section III-K shall not be affected but shall remain in full force. The invalidity of any provision of this Section III-K shall not affect the validity of the remainder of this Zoning Bylaw.

(Art. 2, STM#2, October 4, 2018)

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Section III-L – RESERVED

(Art. 19, Spring ATM, 05/06/2025)

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Section III-M. Accessory Dwelling Unit

1. Purpose and Intent

An Accessory Dwelling Unit (ADU) is an alternative type of housing that allows Natick to expand and diversify its housing supply options without requiring additional land development. The design and implementation of an ADU is expected to fit on a Lot, with the Principal One-Family Dwelling.

2. Massachusetts General Law (MGL)

- a. ADUs are permitted As of Right per Massachusetts General Laws (MGL), Chapter (c) 40A, § 3.
- b. The Town has established §III-M of these Zoning Bylaws to provide guidance and to reasonably regulate the construction of ADUs within single-family zoning districts.

- c. No ADU unit may be utilized as Short-term Rental.
- d. The gross floor area of the Principal One-Family Dwelling or the ADU outlined in § III-M of these Zoning Bylaws shall be calculated per 760 CMR 71.00, as amended. (Art. 20, Spring ATM, 05/06/2025)

3. Applicability and Requirements

- a. In order to qualify for an As of Right ADU, the Principal One-Family Dwelling and the Lot shall:
 - i. conform to the maximum Building Coverage of the respective Zoning District, per § IV-B Intensity Use Regulations of these Zoning Bylaws; and
 - ii. be the only residential Dwelling Unit on the Lot prior to construction of the ADU.
- b. Neither the Principal One-Family Dwelling nor the ADU shall be used as a Short-term Rental.
- c. Where a Lot has two (2) or more ADUs, the total combined Gross Floor Area of all ADU(s) on the Lot shall not exceed half (1/2) the Gross Floor Area of the Principal One-Family Dwelling, or nine-hundred (900) square feet, whichever is smaller.
- d. Where there are two (2) or more ADUs on a Lot. One (1) of the ADUs shall be deed restricted as affordable per and subject to § V-J Inclusionary Housing of these Zoning Bylaws.
- e. The ADU and the Principal One-Family Dwelling shall remain on the same Lot and shall not be divided onto two (2) separate lots.
- f. No ADU unit may be separately sold as a condominium, or otherwise.

4. Permitting Regulations and Permit Review Authority

a. Building Permit Review – Building Permit Application

The Building Commissioner shall be the permit granting authority for the creation of the following types of ADUs. Such review shall be conducted concurrently as part of a Building Permit application.

- i. A single ADU that is located entirely within the Principal One-Family Dwelling or within an existing attached garage, with no exterior increases in square footage;
- ii. A single ADU located in an existing detached garage that is greater than ten (10) feet from the Principal One-Family Dwelling. Detached garages less than ten (10) feet from the Principal One-Family Dwelling shall meet all Building Code requirements;
- iii. A single ADU to be located within a Principal One-Family Dwelling at the time of construction of the Principal One-Family Dwelling; or
- iv. The conversion of a Family Suite to an ADU, unless such conversion requires relief from the Zoning Board of Appeals (ZBA), and then either section c. or d. shall apply, depending on the facts and circumstances. Consultation with Town staff is encouraged before any conversion application is filed.

b. ADU Site Review (As of Right)

The Building Commissioner shall be the permit granting authority for the creation of the following types of ADUs. ADU Site Review shall be As of Right and limited to the bulk, height, scale, and placement of a single ADU on the Lot.

- i. A single detached ADU on a Lot located within the Allowable Building Envelope and greater than ten (10) feet from the Principal One-Family Dwelling;

- ii. The construction of a single ADU on a Lot that is deficient only in Lot Area and Frontage;
or
 - iii. The construction of an addition for a single ADU that does not require relief from the ZBA.
- c. ADU – Pre-existing Non-conforming Lots (As of Right)
The ZBA shall be the permit granting authority for ADU Site Review, which is an As of Right (majority-vote) review. The review of the following ADUs shall be limited to the bulk, height, scale, and placement of a single ADU on the Lot.
- i. The expansion of an existing Principal One-Family Dwelling or existing building (that is greater than ten (10) feet in distance from the Principal One-Family Dwelling) that is deficient in Intensity Regulations per §IV-B of these Zoning Bylaws; or
 - ii. The placement or addition of an ADU requires a Section 6 Finding beyond relief associated with Lot Area and Lot Frontage.
- d. ADU Special Permit
The ZBA shall be the Special Permit Granting Authority (SPGA) for the following Special Permits, which shall require a super-majority vote:
- i. The creation of two (2) or more ADU per Principal One-Family Dwelling or Lot, which will require a super-majority vote.
 - ii. A Building proposed to exceed the allowable Lot Coverage or other dimensional requirements per § IV-B Intensity Regulations by Zoning District, with the exception of Lot Area and Lot Frontage. The Special Permit shall be required for the Building, not the ADU as a use.
5. Design Requirements and Findings
The permit granting authority or SPGA shall review an ADU application for compliance with the following Findings.
- a. The ADU shall be located in the Allowable Building Envelope of a Lot.
 - b. The Lot shall remain conforming to Building Coverage per §IV-B of these Zoning Bylaws for the respective Zoning District after the construction of an ADU.
 - c. An ADU detached from the Principal One-Family Dwelling shall be a minimum of ten (10) feet from another Structure on the Lot, per the State Building Code.
 - d. A detached ADU shall be no taller than two (2) stories or twenty-five (25) feet in height, whichever is lower.
 - e. A detached ADU shall not be located between a roadway and the designated frontage of the Principal One-Family Dwelling.
 - f. An ADU shall provide a minimum of one (1) off-street parking space on the Lot when located a half (1/2) mile or more from a commuter rail station.
 - g. When an ADU has a separate exterior entrance from the Principal One-Family Dwelling or is a separate Building, the ADU shall be accessible from a path or walkway.
 - h. The ADU is located on the Lot so it does not impede vehicular access and circulation of the Lot, roadways, and sidewalks.
6. Review Procedures
The ZBA shall evaluate each application based on the following respective Review Criteria.

a. ADU Site Review Procedures

For uses outlined in § III-M.4.c of this Bylaw, the following public review procedures shall be followed.

- i. The ADU Site Review shall be posted on a public meeting agenda.
- ii. Notice of the public meeting shall be sent to abutters within three hundred (300) feet of the boundaries of the Lot.
- iii. A decision shall be rendered within thirty-five (35) days of the first public meeting.

b. ADU Special Permit Procedures

For uses outlined in § III-M.4.d of this Bylaw, the review of such application shall comply with § VI-DD.1.e of these Zoning Bylaws.

(Art. 20, Fall ATM, 10/17/2024)

****NOTE:** Section 200 – Definitions and Section III-M Accessory Dwelling Unit were amended at the 2025 Fall Annual Town Meeting per the Attorney General Review Letter, dated August 20, 2025 (Case #11706) – such amendments are not reflected in this November 2025 Natick Zoning Bylaw as they are pending review by the Attorney General ******

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Section 320 – HIGHWAY OVERLAY DISTRICTS

Section 321. GENERAL

The Highway Overlay Districts are established as districts which overlay nonresidential zoning districts abutting major arterial highways. There are four such overlay districts: the Regional Center Mixed-Use Overlay (RCP) District, the Mall Center Overlay (MC) district, the Regional Center Overlay (RC) district and the Highway Corridor Overlay (HC) district. The Mall Center Overlay (MC) district overlays a portion of the Regional Center Overlay (RC) district. The Regional Center Mixed-Use Overlay (RCP) District overlays a portion of the Mall Center Overlay (MC) District and a portion of the Regional Center Overlay (RC) District. (Art. 1, S.T.M. #2, 12/3/2002; Art. 1, Fall S.T.M. #1, 10/18/2005)

Section 322. RELATIONSHIP TO UNDERLYING DISTRICTS AND REGULATIONS

322.1 The Highway Overlay Districts shall overlay all underlying districts so that any parcel of land lying in a Highway Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning By-Law.

322.2 All regulations of the underlying zoning districts shall apply within the Highway Overlay Districts, except to the extent that they are specifically modified or supplemented by other provisions of the applicable Highway Overlay District. For example, the imposition of FAR limitations shall not be construed to replace the existing building coverage requirements of the underlying zoning, modified only by the provisions of Section 324.1 or Section 326.4. Both intensity regulations shall apply.

(Art. 1, S.T.M. #2, 12/3/2002)

Section 323. USE AND OTHER ZONING REGULATIONS

323. Uses prohibited in the MC, RCP and RC districts:

III-A.2 Use Regulation Schedule

- 23. Salesroom for motor vehicles, trailers, boats, farm implements or machinery, with no repair services excluding used-car lots
- 24. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with repair services and storage including used-car lots.
- 30. Repair garage for motor vehicles
- 31. Commercial parking lot or parking garage, filling or service station

(Art. 26, A.T.M., 10/4/01) (Art. 1, S.T.M. #2, 12/3/2002)

323.1 General

323.1.1 The Highway Overlay Districts are herein established as overlay districts. The underlying zoning district permitted or allowed uses remain permitted or allowed. The underlying prohibited uses remain prohibited, unless specifically permitted by this Section 323. Any proposed development or alteration of a parcel within the Highway Overlay District must also comply with all applicable additional requirements of the underlying zoning regulations, as well as with the regulations of the Highway Overlay District.

323.1.2 Lots in a Highway Overlay District exclusively used or zoned for single or two family residential development are exempt from these regulations, regardless of the underlying Zoning Districts classification.

323.1.3 The MC Overlay District is an overlay district established in that area of Town which is already substantially developed for commercial purposes, but which may be further intensively developed so as to foster the implementation of significant infrastructure improvements within the Town and improve the Town's tax base. (Art. 1, S.T.M. #2, 12/3/2002)

323.1.4 To the extent there is inconsistency between provisions of this By-Law applicable to the MC Overlay District and underlying district (including the RC District), the provisions applicable to the MC Overlay District shall govern. (Art. 1, S.T.M. #2, 12/3/2002)

323.1.5 All uses permitted or allowed in the underlying zoning districts (including the RC District) shall still be permitted or allowed respectively on land in the MC Overlay District. In addition, hotel and motel use (including serving of food and/or permitted beverages), as well as shopping mall use, shall be permitted in the MC Overlay District. "Shopping mall use" shall include those uses customary in shopping malls, e.g., Retail Stores, Personal Service Establishments, Restaurants, Indoor Recreational Facility, Indoor Amusement Facility, and entertainment uses, in multiple stores in a building or group of buildings containing no less than two (2) levels (each of which levels is principally devoted to selling or providing service or entertainment to customers), and in which access to the majority of stores is via an enclosed pedestrian mall or malls, and in which no less than thirty-five (35%) percent of the gross floor area leased to tenants is devoted to individual stores having a floor area of less than 15,000 square feet. Access drives and parking facilities serving such buildings, whether such facilities are below or above ground or

below such buildings or in separate structures, located on the same lot or an abutting lot shall also be permitted as an accessory use to such shopping mall use. (Art. 1, S.T.M. #2, 12/3/2002; Art. 22, 2024 Fall ATM, 10/17/2024)

All uses that are allowed in the Table of Use, 27A. Administrative offices, clerical offices, statistical offices and establishments for research and development shall be permitted by special permit in the RC Overlay District. (Art. 21, F.T.M. 10/18/2022)

- 323.1.6 Lots in a Highway Corridor (HC) district zoned for One-Family or Two-Family Dwelling residential development with frontage on Worcester Street may double the number of units permitted by the underlying zoning. Structures must comply to the Intensity Regulations Section IV-8 in the underlying zoning with the following exceptions: minimum lot depth shall be 90' and maximum building height shall be twenty-eight (28) feet. No detached structures are permitted on these properties. Under the provisions of this section, developers shall be required to contribute to the Town's stock of affordable housing. One affordable housing unit shall be provided on each lot developed under this section. Each such affordable housing unit shall contain at least two (2) or more bedrooms designed for family occupancy, and shall be substantially the same as the market rate units, as set forth in Section 11I-A.6; or in the alternative the developer may choose to make a gift in the amount of five percent (5%) of the sale price of all units to the Town of Natick for affordable housing purposes, all subject to the approval of the Special Permit Granting Authority. (Art. 21, 2024 Spring ATM, 05/09/2024)
- 323.1.7 The RCP Overlay District is an overlay district established in respect of land which, because of its location and an existing developed condition, can be redeveloped intensively for a combination of multi-family residential and commercial purposes without a material impact on natural resources and with financial and other benefits to the Town that will result in: An increase in the supply of affordable housing in the Town; Substantial contributions to the acquisition and preservation of open space; and Improvement of the infrastructure of the Town and the region as a whole. The RCP Overlay District shall not be restricted to be a residential district. (Art. 1, Fall S.T.M. #1.10/18/2005)
- 323.1.8 To the extent that there are inconsistencies between the provisions of this By-Law applicable to the RCP Overlay District and the underlying district (including the RC District and the MC Overlay District), the provisions applicable to the RCP Overlay District shall govern even if such provisions are more permissive in the RCP Overlay District than in underlying and other overlay districts. (Art. 1, Fall S.T.M. #1.10/18/2005)
- 323.1.9 All uses permitted or allowed in the underlying zoning districts (including the RC Overlay District and the MC Overlay District) shall be permitted or allowed respectively on land in the RCP Overlay District. The portion of a Regional Center Mixed-Use Development devoted to multi-family residential use shall be permitted only by Special Permit and Site Plan Review of the Planning Board granted under Section 320, § VI-DD.1 Special Permit, and § VI-DD.2 Site Plan Review. Such Special Permit may authorize the use of parking spaces located on other parcels in the Regional Center Mixed-Use Development to

satisfy the parking requirements for buildings located on other parcels in the Regional Center Mixed-Use Development. The Planning Board shall have the authority to include in any such Special Permit conditions obligating the applicant to fund the reasonable cost of any special equipment or training that may be required for personnel of town departments to mitigate public-safety impacts of such multifamily residential use. The Planning Board shall also have the authority, by issuance of a special permit therefor, to allow the Affordable Housing Standard to be met through the use of offsite affordable units.

The portion of a Regional Center Mixed-Use Development devoted to shopping mall use shall be permitted by Special Permit and Site Plan Review of the Planning Board granted under Section 320, § VI-DD.1 Special Permit, and § VI-DD.2 Site Plan Review. (Art. 23, 2024 Spring ATM, 05/09/2024)

323.2 Mixed-use Developments

Mixed-use developments are specifically allowed in a Highway Overlay District to the extent that each individual use is allowed in the district.

The provisions of Section 323.1.9, and not this section, shall be applicable to a mixed-use development, including the residential component, in a Regional Center Mixed-Use Development. (Art. 1, Fall S.T.M. #1, 10/18/2005)

323.3 Certain Multi-family Residential Uses

In the RC district, hotels, motels, Assisted Living Residences*, Elderly Family Residences* may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and non-residential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw. (Art 5, S.T.M. #2, 10/10/2000; Art. 9, S.T.M. #2, 11/1/2016; Art. 11, S.T.M. #2, 11/1/2016; Art. 32, Fall TM 10/16/2018)

The provisions of Section 323.1.9, and not this section, shall be applicable to a mixed-use development, including the residential component, in a Regional Center Mixed-Use Development. (Art. 1, Fall S.T.M. #1, 10/18/2005)

* Affordability Requirements: All development in a Highway Overlay District shall be subject to and consistent with the provisions of Section V-J unless a determination has been made satisfactory to the SPGA that living units of Assisted Living Residences and Elderly Family Residence do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD). (Art. 11, S.T.M.#2, 11/1/2016; Art. 52, F.T.M. 10/17/2017; Art. 32, Fall TM 10/16/18)

323.4 - Adult Uses

Adult Uses shall be allowed in the RC district only upon the grant of a special permit by the Planning Board acting as the Special Permit Granting Authority ("SPGA"), subject to the following limitations:

323.41 Land in the RC district in which the underlying zoning is Highway Mixed Use III (HM-III) is specifically excluded.

- 323.42 The underlying zoning district permits a retail store use, or a variance has been issued permitting such retail store use, in the premises in which the proposed adult use is to take place.
- 323.43 The premises in which the proposed adult use is to take place is located a distance of at least three hundred (300') feet from: the Town boundary line or a residential district zone boundary line; or from a church; or from: a public or private: school, park, playground or day care facility.
- 323.44 No premises containing an adult use shall be located within five hundred (500') feet of any other premises containing an adult use.
- 323.45 No premises containing an adult use shall be located in any premises having a liquor license.
- 323.46 No special permit for an adult use shall be issued to any person convicted of violating the provisions of M.G.L., chapter 119, section 63, or of chapter 272, section 28.
- 323.47 The permitted adult uses described herein specifically excluded disseminating or offering to disseminate to minors materials which depict, describe or relate to nudity or sexual conduct as defined in M.G.L, chapter 272, section 31, or allowing minors to view live entertainment which includes the display of nudity. Permitting minors to view displays or linger in an area of the premises where such materials are located, or where such live entertainment is presented, shall be deemed evidence of violation of this action.”
- 323.48 No materials described in the definitions of adult uses in this Bylaw that depicts, describes or relates to nudity or sexual conduct as defined in M.G.L., chapter 272, section 31, shall be so located in or on the building housing such adult use which is visible to the public from the outside of the premises in which an adult use is permitted. No advertising, or other materials, whether displayed in the window or affixed to the building shall be permitted which depicts, describes or relates to nudity or sexual conduct as defined in M.G.L., chapter 272, section 31.
- 323.5 Prior existing Adult Uses
Any adult use in existence prior to the adoption of this Section 323.5 shall apply for a special permit from that SPGA having jurisdiction, according to the SPGA designation provided for under Section VI-DD, within ninety days following the adoption of this Section. Special Permits issued under the Section 323.5 shall be subject to the following conditions:
- 323.51 The square footage in the premises occupied by the prior existing adult use, the percentage of revenues attributable to the display of live nudity and the percentage of the time devoted by a business to the provision of live entertainment for its patrons, which includes the display of live nudity, which exists as of the date that this Section 323.5 was adopted, shall not be permitted to be increased thereafter unless the adult use was in existence in the RC district.
- 323.52 The application for a special permit under this Section 323.5, in addition to complying with the requirements of the rules and regulations of the SPGA shall provide the following information: name and address of the legal owner

of the premises; name and address of all persons having an equity interest in the adult use business being conducted on the premises; name and address of the manager of the adult use business; the number of employees, a plan of the premises showing the location of that portion thereof in which the adult use is taking place, i.e. square footage of floor space; information necessary to determine what percentage of the business inventory is represented by materials for sale, rental or display at any point in time which are distinguished or characterized by an emphasis on matter depicting, describing, relating to, or associated with, sexual conduct or sexual excitement as defined in M.G.L., chapter 272, section 31; the percentage of revenues attributable to the display of live nudity; and the percentage of the time devoted by a business to the provision of live entertainment for its patrons, which includes the display of nudity.

323.6 Savings clause:

If any provision, clause, section or other part of Sections 323.4 or 323.5 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Sections shall not be affected thereby, but shall remain in full force and effect. (323.4, 323.5 & 323.6, Art. 48, Spring A.T.M., 4/17/1997)

323.7 Wireless Communication Facilities

In the Regional Center district or MC Overlay District, Wireless Communication Facilities, including FSWCF, BMWCF, IWCF AND ACWF, but excluding lattice towers, may be allowed by Special Permit granted by the Planning Board. (Art. 30, Fall ATM, 10/8/1998; Art. 1, S.T.M. #2, 12/3/2002)

323.8 Registered Marijuana Dispensaries.

323.8.1 Purposes

To provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under conditions in accordance with the passage of Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana. See also Appendix Sections 1-1, et seq., to Chapter 94C of the Massachusetts General Laws.

To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said dispensaries.

To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

323.8.2 Applicability

The commercial cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A, Section 3 of the Massachusetts General Laws), production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless allowed by special permit as a Registered Marijuana Dispensary under Chapter 40A, Section 9 of the Massachusetts General Laws and this Section 323.8.

No Registered Marijuana Dispensary shall be established except in compliance

with the provisions of this Section 323.8.

Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

323.8.3 Definitions

“Debilitating medical condition” shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient’s physician.

“Marijuana” shall have the same meaning given as “marihuana” in Chapter 94C of the Massachusetts General Laws.

“Marijuana for medical use” shall mean marijuana that is designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions.

Registered Marijuana Dispensary” shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under Chapter 369 of the Acts of 2012, 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 to qualifying patients or their personal caregivers.

323.8.4 General Requirements and Conditions

323.8.4.1 Registered Marijuana Dispensaries, other than agricultural operations meeting the requirements for an exemption under Chapter 40A, Section 3 of the Massachusetts General Laws, may be allowed in the RC District by special permit issued by the Planning Board provided that the Registered Marijuana Dispensary meets the requirements of this Section 323.8.

323.8.4.2 No Registered Marijuana Dispensary shall be located on land in the RC District in which the underlying zoning is Highway Mixed Use III (HM III).

323.8.4.3 No Registered Marijuana Dispensary shall be located within five hundred (500) feet of any other premises containing a Registered Marijuana Dispensary.

323.8.4.4 No Registered Marijuana Dispensary shall be located in any premises for which an alcoholic beverages license has been issued.

323.8.4.5 No Registered Marijuana Dispensary shall be located inside a building containing residential units, including One-Family Dwelling, Multi-Family Dwelling, and transient housing such as Boarding Houses or Hotels, or inside a movable or mobile structure such as a van or truck. (Art. 21, 2024 Spring ATM, 05/09/2024)

- 323.8.4.6 No Registered Marijuana Dispensary shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe the medical use of marijuana.
 - 323.8.4.7 All Registered Marijuana Dispensaries shall be contained within a building or structure.
 - 323.8.4.8 No Registered Marijuana Dispensary shall be located on a lot which is located within three hundred (300) feet of a Town of Natick boundary line, or a residential zoning district boundary line.
 - 323.8.4.9 No Registered Marijuana Dispensary shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.
 - 323.8.4.10 The hours of operation of Registered Marijuana Dispensaries shall be set by the Planning Board, but in any event no Registered Marijuana Dispensary shall be open and/or operating between the hours of 8:00 PM and 8:00 AM.
 - 323.8.4.11 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Marijuana Dispensary.
 - 323.8.4.12 Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required". The required text shall be a minimum of two (2) inches in height.
 - 323.8.4.13 Registered Marijuana Dispensaries shall provide the Natick Police Department, Natick Board of Health, Natick Building Commissioner, and Natick Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom the Town of Natick can provide notice if there are emergencies or operating problems associated with the Registered Marijuana Dispensary.
- 323.8.5 Special Permit Requirements
- 323.8.5.1 A special permit for a Registered Marijuana Dispensary shall be limited to one (1) or more of the following uses:
 - a) cultivation of marijuana for medical use;
 - b) processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or
 - c) retail sale or distribution of marijuana for medical use to qualifying patients.
 - 323.8.5.2 An application for a special permit for a Registered Marijuana Dispensary shall include the following:
 - a) the location of the proposed Registered Marijuana

Dispensary, including the street address, and the floors(s) and unit number(s) to be occupied;

- b) the proposed use of the subject Registered Marijuana Dispensary;
- c) the name and address of each owner of the Registered Marijuana Dispensary;
- d) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Registered Marijuana Dispensary;
- e) evidence of the applicant's right to use the proposed site for the Registered Marijuana Dispensary, such as a lease or consent of the property owner;
- f) if the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, and officers, and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities;
- g) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent Town of Natick tax list and certified by the Town of Natick Assessor; and
- h) Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates, surveillance equipment, alarms, etc., to ensure the safety of persons, deliveries and transfers and to protect the premises from theft.

323.8.5.3 Mandatory Findings

In addition to the findings otherwise required by law for issuance of a special permit, the Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

- a) the Registered Marijuana Dispensary demonstrates that it shall meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and shall be in compliance with all applicable state laws and regulations; and
- b) the applicant has satisfied all of the conditions and requirements of this Section 323.8.

323.8.5.4 Term

A special permit granted under this Section 323.8 shall have a term limited to the duration of the applicant's ownership of, or leasehold interest in, the premises as a Registered Marijuana Dispensary. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section

323.8.5.5 Annual Reporting.
Each Registered Marijuana Dispensary permitted under this By-Law shall as a condition of its special permit file an annual report with the Natick Board of Health, the Natick Community Development Department, and the Natick Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Registered Marijuana Dispensary and/or its owners and demonstrating continued compliance with the conditions of the special permit.

323.8.5.6 Abandonment or Discontinuance of Use

323.8.5.6.1 A special permit issued under this Section 323.8 shall lapse if not exercised within one (1) year of issuance.

323.8.5.6.2 A Registered Marijuana Dispensary shall be required to remove all plants, equipment, supplies and materials related to the Registered Marijuana Dispensary:

- a) prior to surrendering its state issued licenses or permits; or
- b) within three (3) months of ceasing operations; whichever comes first.

323.8.6 Invalidity

If any provision of this Section 323.8 or the application of any such provision to any person or circumstance shall be determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remainder of this Section 323.8 shall continue in effect, to the extent permitted by law.

(Art. 12, S.T.M., 4/8/2014)

Section 324. INTENSITY REGULATIONS

324.1 Base Floor Area Ratio (FAR) for Nonresidential Development in the RC, HC and MC Districts:

For any nonresidential development, the floor area ratio (FAR) shall not exceed 0.32, except as modified in this Section 324. The base FAR of 0.32 shall supersede any existing building coverage limitation in the underlying zoning district which would have the effect of reducing the base FAR to a value lower than 0.32, e.g. in the Commercial II Zoning District the present intensity regulation only allows for building coverage of 30%, which would now be increased to 32% for one story buildings on lots in the RC or HC Districts. However, all non-residential development shall still be subject to the requirements of all other applicable zoning regulations in the underlying zoning district.

(Art. 1, S.T.M. #2, 12/03/2002)

324.2 Increase in FAR for New Construction with Public Benefit Amenities in the RC District and in Highway Mixed or Planned Use Developments of 10 or more Acres in the HC District:

The Planning Board, may, by Special Permit, grant an increase in the maximum floor area ratio (FAR) above 0.32, up to a higher FAR in the following instances:

Up to a maximum FAR of 0.50 for parcels located in the Regional Center (RC) overlay zoning district;

Up to a maximum FAR of 0.40 for parcels located in the Highway Corridor (HC) overlay zoning district having a size of 10 or more acres, and where the underlying zoning is Highway Mixed Use I, II or III districts (HM-1, HM-2, HM-3), or is Highway Planned Use district (HPU), or where a portion of the parcel lies outside those underlying zoning districts but is used for building, parking, detention or retention basins, or other uses associated with any project or development which uses 10 or more acres in the HC district.

The foregoing increases in FAR shall be subject to the requirements following hereafter.

324.21 Increased pervious landscape surface shall be provided in accordance with Section 325.2.

324.22 Public benefit amenities shall be provided as required herein, and the increase in permitted floor area shall be determined in accordance with the schedule of bonuses set forth in Section 328. A FAR increase shall be granted only if the Board makes the findings required in Section 324.9.

(Art. 5, S.T.M. #2, 10/10/2000)

324.3 Increase in FAR for Consolidation of Lots in the RC or HC Districts:

In order to encourage consolidation of lots, the Planning Board may, by Special Permit, grant an increase in the floor area ratio above 0.32. Such increase in FAR shall not exceed 20% of the combined gross floor area of the buildings on the lots to be consolidated, up to a maximum FAR of 0.40, or an increase of 12,000 square feet, whichever is the lesser. A FAR increase shall be granted only if the Board makes the findings required in Section 324.9 and determines that the proposed consolidation will achieve the Objectives and Standards following hereafter.

324.31 Objectives and Standards

324.311 The coordinated development shall be designed to reduce the number of curb cuts and signs and to provide access improvements, unified landscaping, and a higher standard of site design than would be possible with separate development of the individual lots.

324.312 Only lots which were in separate ownership as of January 1, 1992 may be consolidated for purposes of qualifying for a FAR increase in a Highway Overlay District.

324.313 The coordinated development need not involve consolidation of ownership. However, the continued use of improvements achieved through consolidation must be guaranteed through appropriate mechanisms (such as easements).

324.4 Increase in FAR for Projects Involving Minor Alterations in the RC or HC Districts:

The Planning Board may, by Special Permit, grant an increase in the existing FAR over 0.32 for minor alterations up to the maximum FAR permitted under these Highway

Overlay District regulations. Such increase shall be granted only if the Planning Board makes findings required in Section 324.9. A special permit is not required for a minor alteration which does not exceed a FAR of 0.32, unless so required elsewhere in Section 320 et seq., or so required under the underlying zoning district regulations. (Art. 5, S.T.M. #2, 10/10/2000)

324.5 Maximum FAR for Multi-family Residential Developments:

The Planning Board may permit a FAR up to 0.55 in those certain multi-family residential developments as described in Section 323.3. (Art. 5, S.T.M. #2, 10/10/2000)

In the RCP Overlay District in respect of a residential project which provides units, on or off the parcel, as applicable, in accordance with the Affordable Housing Standard, the Planning Board may permit a FAR up to 1.00 solely for a Regional Center Mixed-Use Development that meets the Affordable Housing Standard. This provision shall not be applicable to Multi-Family Residential Uses permitted under 323.3.

(Art. 1, Fall S.T.M. #1, 10/18/2005)

324.6 Areas Excluded from FAR Computation:

The floor area of the following types of facilities shall not be included in the gross floor area of a structure or structures for the purposes of computing the floor area ratio on a parcel in the MC, RCP, HC or RC district:

(Art. 1, Fall S.T.M. #1, 10/18/2005)

- 324.6.1 Day care facilities licensed by the State Office for Children.
- 324.6.2 Off-street parking facilities and associated ramps and aisles.
- 324.6.3 Facilities dedicated to public or private transit facilities, or to trip reduction activities such as carpooling and vanpooling. Such facilities may include waiting areas, ticket offices or offices for the administration of transportation management and trip reduction activities.
- 324.6.4 Cafeterias intended primarily to service occupants of a structure at the site.
- 324.6.5 All square footage contained in a hotel or motel shall not be included in the gross floor area.
- 324.6.6 In the MC Overlay District the following shall not be included in gross floor area for computing the floor area ratio:
 - 324.6.6.1 Equipment rooms, including rooms containing heating, air conditioning or other mechanical equipment servicing a permitted or allowed use, and offices devoted to operational matters of a shopping mall, including rest rooms and waiting or rest areas.
 - 324.6.6.2 Areas of a shopping mall building (including pedestrian bridges) not devoted to occupancy by a tenant or occupant, which are principally intended to provide access between stores, even though vendors may, from time to time, maintain kiosks or other portable displays therein shall not be included in the gross floor area, provided, however, that the floor area actually occupied by such kiosks or any display fixture shall be included in the gross

floor area to the extent such occupied areas exceed 10% of such access areas.

324.6.7 Areas of a building within a Regional Center Mixed-Use Development devoted to residential use other than for the exclusive occupancy of an individual tenant or occupant.

(Art. 1, Fall S.T.M. #1, 10/18/2005; Art. 1, S.T.M. #2, 12/3/2002)

324.6.8 FAR for Highway Mixed Use – I (HM-I) Zoning District Parcels that identify as a lot or lots comprising a Small or Large Corporate Campus Parcel that are in the Highway Mixed Use – I (HM-I) Zoning District shall comply with the Building Coverage requirements set forth in § IV.B for the HM-I Zoning District, and not the FAR requirements set forth in the regulations of this Highway Overlay District. (Art. 28, Spring ATM, 05/02/2023)

324.7 FAR for Mixed-use and Mixed-Zoning District Developments:

Except for a Regional Center Mixed-Use Development, the following regulations shall apply to proposed developments on parcels which include both residential and non-residential zoned lots or portions thereof, or which include both residential and non-residential uses:

(Art. 1, Fall STM #1, 10/18/2005)

324.71 Developments on parcels which include lots permitting both residential and non-residential uses, where such proposed developments will include residential floor area and non-residential floor area:

Non-bonus projects: Maximum FAR = (Non-residential floor area percentage x 0.32) + (Residential floor area percentage x 0.55)

Bonus projects: Maximum FAR = (Non-residential floor area percentage x 0.40) + (Residential floor area percentage x 0.55)

324.72 Developments on parcels that include at least one residentially zoned lot, as well as lots permitting non-residential uses, where such proposed developments will consist of only non-residential floor area:

Projects which include combinations of residentially zoned lot(s), as well as non-residentially zoned lot(s) located contiguous to such residentially zoned lot(s); and in which no construction of new residential floor area is proposed by the project, shall be required to:

324.721- Remove all existing structures on the residentially zoned lot(s). In addition, no new structures or commercial parking shall be placed on the residentially zoned lot(s).

324.722- Provide open space for public ownership, or exclusive long term use, in an amount equal to three times the area of the residentially zoned lot(s) to be added to the Project [hereinafter, "Compensating Open Space"]. Such Compensating Open Space to be so provided shall contain not more than twenty (20%) percent wetland, and shall be of such quality, in the opinion of the Planning Board, as to be able to accommodate active Park use as defined in Section 200. The Compensating Open Space may have

any zoning classification. The Planning Board may waive the twenty (20%) percent wetland limitation if it makes a finding that the Park would be enhanced by permitting a larger percentage of wetland, not to exceed fifty (50%) percent of the Compensating Open Space.

324.723- In the event such Compensating Open Space is not offered at the time of the application, nor offered during the hearing on same, and evidence is submitted by the applicant satisfactory to the Planning Board that after reasonable efforts the applicant was unable to obtain such Compensating Open Space either in any amount, or in a lesser amount than required by paragraph 324.7.2.2, then applicant shall provide “Adequate Security” for the acquisition of such Compensating Open Space. Such Adequate Security shall be provided by a bond or surety agreement, a letter of credit, a tri-partite agreement including a bank as a contracting party, a deposit of monies or negotiable securities, or other similar arrangement sufficient in the opinion of the Planning Board to secure the performance of the condition of providing Compensating Open Space.

324.724- The amount of such Adequate Security, where the event described in Section 324.7.2.3 occurs, shall be equal to the percent of Compensating Open Space that will not be so provided times 1.5 times the “Residential Market Value” of the area of the residentially zoned land which is included in the Parcel, where “Residential Market Value” is defined as follows:

the market value of the area of the residentially zoned land in the parcel determined as if such land contains no wetland; is devoid of structures or pollution of any kind; and is based on the total land area divided by the minimum residential lot area in the district, without adjustment for roads and/or access ways.

Such calculation shall be subject to review and approval by the Planning Board.

(Art. 5, S.T.M. #2, 10/10/2000)

324.8 Density on Parcels Where Portion Dedicated to Town or Commonwealth:
Subject to the other provision of this section, if the owner of a parcel, with the concurrence of the Planning Board, dedicates to the Town or the Commonwealth a portion of the parcel for public ownership as a bonus facility, then the permissible density at which the remainder of the parcel may be developed shall be based on the total parcel area including the area so dedicated.

324.9 Findings Required for a FAR Increase:
In granting a FAR increase over the base FAR, as well as any increase in the FAR where a special permit with site plan review is required under Sections 320 et seq., the Planning Board shall make a specific finding, in writing, that the following conditions are met: (Art. 5, S.T.M. #2, 10/10/00)

- 324.9.1 That the increase in FAR shall not result in a development which is substantially more detrimental to the neighborhood than the existing structure or use. In the case of new construction, that the increase in FAR shall result in a development that shall not be substantially more detrimental to the neighborhood than the project at the base FAR of 0.32.
- 324.9.2 The increase will achieve the goals, objectives and intent of these Highway Overlay District Regulations.
- 324.9.3 The increase will achieve compliance with these Highway Overlay District Regulations to a substantially greater degree as compared with the degree of compliance present in the existing development. In the case of new construction, the increase will achieve compliance with these Highway Overlay District Regulations to a substantially greater degree as compared to development at the base FAR of 0.32.
- 324.9.4 The proposed consolidation of lots for development purposes, or minor alteration of a structure, satisfies all of the criteria and standards of § VI-DD.2 Site Plan Review. (Art. 23, 2024 Spring ATM, 05/09/2024)

324.10 Increased FAR for Parcels in MC Overlay District

- 324.10.1 In order to foster redevelopment of parcels in the MC Overlay district that will provide for substantial infrastructure improvements and significant additions to the Town's tax base, the Planning Board may grant special permits to increase the FAR to .60 for one or more parcels (or portions thereof) concurrently which are in the MC Overlay District, containing not less than 40 contiguous acres (either as an individual parcel or in combination), when the requirements of Section 324.10.2 are met and the bonus requirements of Section I of Bonuses are satisfied. Where such parcels (or portions thereof) are in separate ownership, the owners thereof shall join in the application for such special permit, but such parcels (or portions thereof) need not be combined under the Subdivision Control Law nor shall be treated as a single parcel for purpose of the application of the other requirements of this zoning by-law and may be used and further developed independently of each other except that the FAR of such parcels (or portions thereof) in the aggregate shall not exceed the FAR authorized under such special permits.

For purposes of the application of the bonus requirements of Section 328.3 to developments in the MC Overlay District for which such special permits are requested, the bonus requirements shall be applicable only to the extent the proposed FAR on all parcels included in the applications for such special permits exceed the then existing FAR of such parcels. If existing buildings are demolished, the bonus requirements shall not be applicable to the FAR for new construction to the extent of the floor area of the buildings so demolished.

The applicants under such a special permit may also elect, if the FAR of one of the parcels is less than .32, to allocate the excess floor area that could be developed on such parcel without exceeding FAR of .32 to the other parcels included within such application. The allocation of such excess floor area shall be set forth in such special permit and no bonus requirement need be fulfilled in connection therewith; provided, however, that any further construction on

the parcel whose excess floor area is allocated to such other parcel shall be treated as if such excess floor area had been constructed on the parcel from which it is allocated.

- 324.10.2 In granting a special permit for an increase in FAR under Section 324.10.1, the Planning Board shall make, in lieu of the finding required in Section 324.9, a specific finding, in writing, that the following conditions are met:
- .1 the parcel (or if parcels, the parcels in the aggregate) included in such application have an existing FAR in excess of .32;
 - .2 that the increase in FAR shall not result in a development which is substantially more detrimental to the neighborhood than the use of the lots as then improved;
 - .3 the increase will achieve the goals, objectives and interests of the MC Overlay District regulations; and
 - .4 the project, with such increased FAR, shall satisfy all of the criteria and standards of § VI-DD.2 Site Plan Review.

(Art. 23, 2024 Spring ATM, 05/09/2024)

Section 325. OPEN SPACE REQUIREMENTS

325.1 Single Use Projects:

- 325.1.1- Base Landscape Surface Ratio (LSR) in any Highway Overlay District:
The minimum required landscape surface ratio (LSR) for Projects having a FAR of 0.32 or less shall be:
0.20 for retail, consumer service and manufacturing uses,
0.30 for those certain multi-family residential developments in the RC district as described in Section 323.3, and
0.40 for office, research and development and other similar non-retail, non-residential uses.
- 325.1.2- Increase in Landscape Surface Ratio (LSR) required for Bonus Projects in any Highway Overlay District:
The minimum required landscape surface ratio (LSR) for projects having a FAR greater than 0.32 shall be the sum of:
(the base LSR determined by Section 325.1.1) +
(one-half of the difference between the proposed FAR and 0.32)
- 325.1.3 Notwithstanding any other provision in this Section 325, the minimum landscape surface ratio for projects in an MC Overlay District shall be 0.25, regardless of the FAR. In calculating the LSR in an MC Overlay District, the numerator of the LSR shall include pervious and landscaped areas, including areas in a parking structure that are utilized for landscaped areas, such as planting structures containing plant material. In calculating the LSR in an MC Overlay District, where two or more parcels are being redeveloped for shopping mall use and one of the parcels has been devoted to shopping mall use, the LSR for the parcels, on a combined basis, shall be no less than 0.20 as long as the LSR for each of the parcels prior to the redevelopment is not

reduced and for the parcel being converted to shopping mall use, the LSR is at least 0.25. (Art. 1, Fall STM #1, 10/18/2005)

(Art. 1, S.T.M. #2, 12/3/2002)

325.2 Mixed-use Projects:

The minimum required LSR for mixed-use developments (other than for a Regional Center Mixed-Use Development) shall be computed as a blended ratio of the LSR requirements applying to the individual components of the development, as follows:

(Art. 1, S.T.M. #1, 10/18/2005)

325.2.1- Projects having an FAR of 0.32 or less:

The minimum required landscape surface ratio (LSR) for projects having a FAR of 0.32 or less shall be equal to the:

$$\left[\left(\text{Percentage of floor area for retail, consumer service and manufacturing uses} \right) \times 0.20 \right] + \left[\left(\text{Percentage of floor area for certain multi-family residential development in the RC district as described in Section 323.2} \right) \times 0.30 \right] + \left[\left(\text{Percentage of floor area for office, research and development and other similar non-retail, non-residential uses} \right) \times 0.40 \right]$$

325.2.2- Projects having an FAR greater than 0.32:

The minimum required landscape surface ratio (LSR) for projects having a FAR greater than 0.32 shall be equal to:

$$\left(\text{the minimum LSR determined in accordance with Section 325.2.1} \right) + \left(\text{the proposed FAR} - 0.32 \right) / 2$$

325.3 Deficiencies in LSR

325.31- Multi-family residential developments:

For multi-family residential developments only, up to ten percent (10%) of the required landscape surface area may consist of impervious recreational facilities, e.g. tennis courts, swimming pools, etc.

325.32- Deficiency in LSR in the RC District:

In connection with the redevelopment of a Parcel only for office, research and development and other similar non-retail, non-residential uses in the RC district, where one or more prior-existing structures are to remain, a proposed new or revised Final Site Plan may show a deficiency from the required minimum LSR (hereinafter, the "LSR Deficiency"). The LSR Deficiency shall be determined in square footage, and shall be = $\left[\left(\text{the minimum required LSR calculated under either of Sections 325.1 et seq. or 325.2 et seq.} \right) - \left(\text{the LSR shown on the proposed new or revised Final Site Plan} \right) \right]$ times (the denominator of the Landscape Surface Ratio for the Parcel).

325.321- Deficiency satisfied by Compensating Landscaping.

The minimum LSR required by either of Sections 325.1 et seq. or 325.2 et seq. may alternatively be satisfied by providing pervious landscaping or natural vegetated areas, devoid of wetlands (hereinafter, "Compensating Landscaping"), elsewhere than on the Parcel with the permission of the owner of the receiving parcel, in an area equal to the LSR Deficiency. Such Compensating Landscaping may have any zoning classification. The Planning

Board may reject an offer of Compensating Landscaping and require compliance with Section 325.3.2.2 if it makes a finding that the proposed location of such Compensating Landscaping does not enhance the adjacent uses or is not substantially visible from adjacent roadways.

325.322- Deficiency satisfied by providing Adequate Security.
The minimum LSR required by Sections 325.1 et seq. or 325.2 et seq. for the redevelopment of a Parcel in the RC district for office, research and development and other similar non-retail, non-residential uses, may alternatively be satisfied if an Adequate Security is provided, calculated, as described in Section 324.7.2.3, in an amount equal to the LSR Deficiency x \$15 for all redevelopment which expands the footprint of the existing building(s) which decreases the LSR; and the LSR Deficiency x \$2 for all redevelopment which retains or increases the existing LSR. Notwithstanding the foregoing, the Planning Board may require that a minimum LSR of 0.30 be attained on the redeveloped Parcel, provided that adequate parking is available on site to serve the proposed uses.

325.4 Mixed-use Projects:

The minimum required LSR for mixed-use developments (other than for a Regional Center Mixed-Use Development) shall be computed as a blended ratio of the LSR requirements applying to the individual components of the development, as follows:

(Art. 1, Fall S.T.M. #1, 10/18/05)

325.41 Nonbonus projects:

Minimum LSR = (Retail or service floor area percentage x 0.20) + (office, R & D, manufacturing or other non-retail, non-residential uses floor area percentage x 0.40) + (Residential floor area percentage x 0.30)

325.42 Bonus projects:

Minimum LSR = [(Retail or service floor area percentage x 0.20) + (Office, R & D, manufacturing or other non-retail, non-residential uses floor area percentage x 0.40) + (Residential floor area percentage x 0.30)] + (Proposed FAR - 0.32)/2 (Art. 5, S.T.M. #2, 10/10/00)

325.5 Regional Center Mixed-Use Development:

The minimum required LSR for a parcel devoted to a Regional Center Mixed-Use Development (inclusive of the shopping mall and residential components) shall be no less than 25%, regardless of FAR. In calculating the LSR in a RCP Overlay District, the numerator of the LSR shall include pervious and landscaped areas, including areas in a parking structure or on roofs of parking structures adjacent to ground level that are utilized for landscaped areas, such as planting structures containing plant material. (Art. 1, Fall S.T.M. #1, 10/18/05)

325.6 Open Space Requirements for Highway Mixed Use – I (HM-I) Zoning District

Parcels that identify as a lot or lots comprising a Small or Large Corporate Campus Parcel that are in the Highway Mixed Use – I (HM-I) Zoning District shall comply with the Open Space Requirements outlined in § III-b.3, Highway Mixed Use – I (HM-I) Zoning District and

§ IV-B for the HM-I Zoning District, and not the LSR requirements set forth in the regulations of this Highway Overlay District.
(Art. 28, Spring ATM, 05/02/2023)

Section 326. DIMENSIONAL REGULATIONS

326.1 Height:

326.11 Height limitations in the Highway Overlay Districts shall be as specified for the underlying zoning district(s), except as modified below.

326.12 Structures in the Highway Overlay Districts located adjacent to residential zoning districts or residential uses shall have a maximum height as follows:

<u>Distance from Residential Use/District</u>	<u>Maximum Building Height</u>
less than 50 feet	30 feet
equal to or greater than 50 but less than 200 feet	40 feet
equal to or greater than 200 but less than 300 feet	50 feet
equal to or greater than 300 but less than 400 feet	60 feet
equal to or greater than 400 feet	75 feet

(Art.1, S.T.M. #4, 10/5/93; Art. 1, Fall S.T.M. #1, 10/18/2005; Art. 16, Spring ATM, 05/06/2025)

326.13 For a Regional Center Mixed-Use (RCP) Overlay District, the height limitation for shopping mall buildings shall be 80 feet measured from the adjacent average finished grade. The residential buildings in a RCP Overlay District shall conform to the following limitations: Any building or portion thereof located less than 400 feet from a public way shall not exceed more than eighty (80) feet in height measured from the adjacent averaged finished grade. For buildings located more than 400 feet from a public way:

(Art. 1, Fall S.T. M. #1, 10/18/2005)

No more than 40% of the roof area of the building shall exceed:	85 feet measured from the center line of the adjacent public way and 105 feet measured from the averaged finished grade adjacent to the building
No more than 20% of the roof area of such a building shall exceed:	100 feet measured from the center line of the adjacent public way and 120 feet measured from the averaged finished grade adjacent to the building and provided the roof area within such height limit is set back at least 600 feet from a public way
Other than as authorized under Section IV-A.5 of the General Requirements, no portion of the building shall exceed:	120 feet measured from the center line of the adjacent public way and 140 feet measured from the averaged finished grade adjacent to the building

326.14 In an Mall Center (MC) Overlay District (except in the case of a Regional Center Mixed-Use (RCP) Overlay District), no building or portion thereof shall exceed more than eighty (80) feet in height.

(Art. 1, Fall S.T.M. #1, 10/18/2005)

326.2 Setbacks:

326.21 Minimum front setbacks shall be as specified for the underlying zoning district(s)

326.22 Structures shall be set back a minimum of fifteen (15) feet from all side and rear property lines, or the setback required by the underlying zoning, whichever is greater, except as modified by section 326.3.

326.3 Where Abutting Residential Districts and/or Uses:

Except for the RCP Overlay District, the minimum setbacks for structures located adjacent to residential districts or existing residential uses shall be thirty (30) feet. (Art. 1, Fall S.T.M. #1, 10/18/2005)

326.4 Dimensional Regulations in MC Overlay District

The Planning Board may also grant a special permit to permit a project authorized in either the MC Overlay District or the Regional Center Mixed-Use Overlay District, in lieu of the dimensional requirements of the underlying zoning district (including the RC District as part of the HOD District) to be subject to the following dimensional requirements:

Frontage:	200 feet
Building Setback from a Public Way:	50 feet (provided, however, the Planning Board may, by granting a special permit, reduce this setback to accommodate circulation or road improvements)
Parking Structure Setback from Public Ways:	for at grade or higher levels, 50 feet from public ways; below grade levels do not require a setback
Maximum Height of Building or Structure:	80 feet or 8 stories
Side and Rear Yard:	20 feet but zero feet for buildings along their walls through which there is enclosed pedestrian access or solely to permit connections between parking structures and buildings. (Art. 39, ATM, 4/11/2006)

(Art. 1, S.T.M. #2, 12/03/02) (Art. 1, Fall STM #1, 10/18/2005)

326.5 Dimensional Regulations for Highway Mixed Use – I (HM-I) Zoning District

Parcels that identify as a Small or Large Corporate Campus Parcel that are in the Highway Mixed Use – I (HM-I) Zoning District shall comply with the Intensity Regulations and Development Requirements set forth in § III-B.4, Highway Mixed Use – I (HM-I) Zoning District. (Art. 28, Spring ATM, 05/02/2023)

Section 327. LANDSCAPING REQUIREMENTS

The Planning Board shall adopt Rules and Regulations which implement the General Purpose and Intent, as well as the Objectives of this Section 327. Those Rules and Regulations shall provide a guide to good landscaping practices and shall set forth the desired standards which are intended to achieve specific performance objectives. However, the Planning Board may approve alternative plans where the applicant desires to deviate from the specific requirements of such Rules and

Regulations, if the Board finds that such alternative is clearly more feasible and/or preferable, and that the proposed arrangement meets the general purpose, intent, and objectives of Section 327.

327.1 Applicability:

The requirements of this section 327 shall apply to any new structure, and to any major alteration, to any change of use of an existing structure, or as may be required in connection with site plan review under the zoning regulations applicable in the underlying zoning district.

327.2 Technical Requirements:

All site plans and special permits required hereunder shall include a landscape plan and planting schedule prepared by a registered landscape architect, unless waived in accordance with Section 329.2.

327.3 General Purpose and Intent:

The requirements and standards set forth in this Section 327 are intended to achieve specific performance objectives, as described below, to enhance the visual quality of the areas within the Highway Overlay Districts, to encourage the creation and protection of open space, to avoid expansive development of impervious surfaces, to protect and preserve the area's ecological balance and to ensure that landscaping is an integral part of development.

327.4 Objectives:

In order to accomplish the General Purpose and Intent of this Section 327 specific objectives shall be accomplished by landscape plans, which shall include the following:

327.41 Buffer strips at the front of lots shall contribute to the creation of tree-lined roadways and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them.

327.42 Buffer strips adjoining or facing residential zoning districts or uses shall provide the strongest possible visual barrier between uses at pedestrian level and create a strong impression of spatial separation.

327.43 Landscaping within parking areas shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site.

327.44 All required landscaping shall be located entirely within the bounds of the parcel.

327.45 To the greatest feasible extent, existing healthy, mature vegetation shall be retained in place or transplanted and reused on site.

327.5 Landscaped Buffer Strips:

327.51 General Standards: In the highway corridor and regional center areas, a landscaped buffer strip shall be provided separating all buildings, parking areas, vehicular circulation facilities, or similar improvements from the right-of-way line of any public street, or any private way which is adjudged by the Planning Board to perform an equivalent function. Plantings in landscaped buffer strips shall be arranged to provide maximum protection to adjacent properties and avoid damage to existing plant material. The

landscaped buffer strip shall include the required planting as set forth herein or in the Rules and Regulations of the Planning Board, and shall be continuous except for required vehicular access points and pedestrian circulation facilities, including sidewalks. All required landscaping amenities shall be located within the bounds of the parcel. All signs to be constructed in any development subject to Site Plan Review under the Highway Overlay District Regulations shall be subject to the issuance of a special permit by the Planning Board.

327.52 Specific Standards:

- 327.521 Depth: Unless a greater depth of landscaping is required in the underlying zoning district, landscaped buffer strips shall be one-third (1/3) of the distance between the street right of way and any building line, but shall not be less than fifteen (15) feet in depth, and need not be greater than fifty (50) feet in depth. Sidewalks shall be excluded from calculation of the buffer depth, unless required by the development plan and not located in the public right of way. Landscaped buffer strips adjoining or facing residential districts or uses shall be a minimum of fifteen (15) feet in depth.
- 327.522 Composition: The buffer strip shall include a combination of deciduous or evergreen trees and lower-level elements such as shrubs, hedges, grass, groundcover, fences, planted berms, brick or stone walls. When necessary for public safety or to prevent adverse impacts on neighboring properties, the Planning Board may require that the buffer strip contain opaque screening.
- 327.523 Arrangement: Arrangements may include planting in linear, parallel, serpentine, or broken rows, as well as the clustering of planting elements.
- 327.524 Opaque Screens: An opaque screen may be comprised of walls, fences, berms, shrubs or evergreen plantings, or any combination thereof. Opaque screens shall be opaque in all seasons of the year. For developments adjoining or facing residential districts or residential uses, or when necessary for public safety or to prevent adverse impacts on neighboring properties, a buffer strip shall contain opaque screens.
- 327.525 Berms: When berms are used to meet the requirements for a buffer strip they shall be planted with living vegetation. The minimum top width of a berm shall be three (3) feet, and the maximum side slope shall be 3:1. No more than twenty-five per cent (25%) of the coverage of a planted berm shall be mulch or non-living material.
- 327.526 Mulches: When used in required landscaping or buffers, mulches shall be limited to bark mulch and decorative stone, or equivalent materials. No more than twenty-five per cent (25%) of the coverage of the landscaped area shall be mulch or non-living material.

- 327.6 Standards for Landscaping within Off-Street Parking Areas:
 Parking areas shall be broken into sections. Sections shall be separated by landscaped buffers to provide visual relief. At a minimum, the buffers shall consist of islands which shall be a combination of "divider islands" and "terminal islands". Terminal islands shall be used either to separate parking spaces from driveways and other vehicular travel lanes, or to break up large numbers of parking spaces in a single row of spaces. Landscaped terminal islands shall be provided at the ends of rows of parking where such rows are adjacent to driveways or vehicular travel lanes.
- 327.7 Landscaping Adjacent to Buildings:
 Landscaped areas at least ten (10) feet in depth shall be provided adjacent to buildings on every side of such buildings that has a public access point. This requirement may be waived by the Planning Board in cases where it is impractical to provide the specified depth of landscaped area due to the size, shape or other characteristics of the parcel; however, in no case shall any parking space or vehicular travel lane be located less than five (5) feet from the building.
- 327.8 Design for Pedestrian Circulation
- 327.81 Pedestrian Access Through Buffers and Screens:
 Landscaped buffers should, to the greatest extent possible, serve as usable open space, providing an environment for pedestrian access between uses. Therefore, buffers shall be designed to include appropriate means of pedestrian access and crossing, both along the landscaped area (i.e., in a parallel direction with the property line) and across the buffer (i.e., providing pedestrian access to the site, separate from vehicular access points). Buffers and screens shall provide for appropriate hard-surfaced pedestrian access points and walkways where property lines abut existing or planned public streets, whether or not such streets have been constructed.
- 327.82 Pedestrian Circulation in Parking Facilities
 Parking facilities and appurtenant driveways shall be designed so as to gather pedestrians out of vehicle travel lanes and to maximize the safety and convenience of pedestrians walking between parked cars and business entrances as well as between external points and locations on site. Pedestrian walkways shall be integrated, to the maximum extent possible, into the interior and/or perimeter landscaping of parking lots; and shall be constructed with a paved or similarly firm surface, separated from vehicular and parking areas by grade, curbing and/or vegetation, except for necessary ramps.
- 327.83 Pedestrian Circulation Adjacent to Buildings
 A pedestrian walkway having a minimum width of six (6) feet shall be integrated into, and shall be in addition to, any required landscaped area adjacent to buildings.
- (Art. 8 S.T.M., 6/13/1995)
- 327.9 Pervious Landscaping:
 Up to five (5) per cent of the area counted as pervious landscaping may include pedestrian circulation components such as walkways. Parking areas surfaced with porous pavement shall not be considered pervious landscaping.

327.10 Maintenance:

- 327.101 The owners and developers of any lot shall be responsible for the maintenance of all landscaped open space and buffers. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.
- 327.102 Appropriate water management procedures shall be followed to serve all landscaped areas.
- 327.103 The Planning Board may require a bond to ensure that required landscape plantings are maintained and survive for up to two (2) growing seasons following completion of planting.

(Art. 5, S.T.M. #2, 10/10/2000)

327.11 Intersection Sight Distance Restrictions: Landscaped buffers and screening shall not restrict sight distances at intersections or driveway entrances. Site distance requirements, location and specification of site zones shall be determined by reference to the current edition of the Commonwealth of Massachusetts Department of Public Works Highway Design Manual, or any successor publication. As a guide, no fence or other structure may be erected, and no vegetation may be maintained, between a plane two and one-half (2-1/2) feet above curb level and a plane seven (7) feet above intersecting roadway levels within the zone required for site distance, subject however to actual roadway profiles of the intersecting streets and/or driveways.

327.12 Occupancy Permits:

- 327.121 No occupancy permit, whether temporary or permanent, shall be granted by the Building Inspector, until the Planning Board has voted its approval that all landscaping and buffer strips conform to the approved landscape plan and planting schedule, or thirty (30) days has elapsed since the filing of a written request for such approval with the Building Inspector and Planning Board.
- 327.122 In cases where, because of seasonal conditions or other unforeseen circumstances, it is not possible to install or complete landscaping prior to initial occupancy of the building(s), an occupancy permit may be granted by the Building Inspector, upon the approval of the Planning Board, provided that the owner shall make a payment to the Town, to be held in escrow by the Planning Board, to ensure that required landscape planting is installed and maintained. The amount of the escrow payment shall be set by the Planning Board and shall be equal to the full remaining estimated cost of materials and installation, with allowance for escalation and contingencies.
- 327.123 Release of any escrow amounts, or approval of issuance of an occupancy permit, shall be conditioned upon the receipt by the Planning Board of written certification by a registered landscape architect that the specified plant materials to be included in the project landscaping have been installed according to the approved landscape plan.

Section 328. BONUS DENSITY PROVISIONS

328.1 Eligibility for Bonus Floor Space:

If a proposed improvement or facility in the Regional Center district complies with the standards set forth in section 324.2 above, it shall be eligible for bonus floor area in accordance with the requirements set forth in sections 328.2 through 328.5, inclusive.

328.2 Public Benefit Amenity:

To qualify for bonus floor space, a public benefit amenity must be specifically listed in the Schedule of Benefits below. A public benefit amenity that is a physical space (except for an affordable housing unit) shall be one to which the public is assured access on a regular basis, or an area that is dedicated to and accepted by the Town for public access purposes. Furthermore, to be considered a public benefit amenity, a specific improvement or facility must be determined to provide a public benefit and to be appropriate to the goals and character of the area. In addition, the following requirements must be met:

328.21 Parks: To be eligible as a public benefit amenity, a park must meet all of the following standards:

- be at least 2,500 square feet in area;
- have a minimum width of 50 feet;
- be largely buffered and/or screened from nearby roads, parking areas and other vehicular circulation facilities; and
- not be located within the landscape buffer strip required under Section 327.6.

A park exceeding 15,000 contiguous square feet in area may have a smaller minimum width if the Planning Board finds that such linear park can accommodate a way for public access by pedestrians or non-motorized vehicles. (Art. 29, 2015 STM)

328.211 For purposes of computing bonus credits, no more than one-third of the area of the park shall consist of wetlands, water bodies, steep slopes (over 25%), or other areas not usable for public recreation or leisure activities. On-site park area which meets the above standards and which is not wetlands may be used to satisfy the minimum landscape surface ratio (LSR) requirement. On- or off-site park area may be used to qualify the project for bonus floor area.

328.22 Pedestrian circulation improvement: Such improvements shall be directly accessible to the pedestrian circulation system, and shall where possible connect with existing pedestrian circulation improvements on adjacent parcels and/or provide for connection to such improvements which can reasonably be expected to be developed on adjacent parcels. The following standards shall also be applicable:

328.221 Sidewalk (Off-Site): A sidewalk shall not be on land owned by the applicant or on public or private right-of-way immediately adjacent to frontage of land owned by the applicant.

328.222 Pedestrian Bridge/Tunnel: Bridges or tunnels should have clear functional relationships to adjoining commercial properties and/or public open space amenities. To be eligible as a public benefit amenity, a pedestrian bridge shall not be located entirely

on the applicant's property, nor shall it connect a principal use with an accessory use such as a parking structure.

328.23 Service Roads. Driveways and other facilities which principally serve the internal circulation needs of a project, and which provide only a marginal public benefit, shall not qualify as service roads under the provisions of this section 328.

328.3 Schedule of Bonuses:

328.31 FAR Increases above 0.32 up to 0.40 (and in the MC Overlay District up to .60) based on Schedule I of Bonuses. An increase in allowable floor area for new construction resulting in a FAR for the entire development which does not exceed 0.40, as permitted in and subject to the requirements of Section 324.2, shall be available in accordance with Schedule I of Bonuses set forth hereafter, if the Planning Board deems that the amenity offered by the applicant accomplishes the purpose, intent and objectives of the Highway Overlay Districts regulations. For development within an MC Overlay District for which a special permit is requested under Section 324.10.1, an increase in allowable floor area shall be permitted if the requirements of Schedule I are met through fulfillment of one or more Public Benefit Amenities.

The “bonus ratio” as used in Schedule I is the ratio of the unit of public benefit amenity provided, to the floor area permitted for bonus projects in excess of a FAR of 0.32. For example, a bonus ratio of one to three (1:3) and an amenity unit of “Square Foot” means that for each square foot of the amenity the project shall be eligible for three (3) additional square feet of floor area for permitted uses.

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SCHEDULE I OF BONUSES

<u>PUBLIC BENEFIT AMENITY</u>	<u>AMENITY UNIT</u>	<u>BONUS RATIO*</u>
OPEN SPACE AMENITIES:		
-Park	Square Foot	1:1
-Excess Pervious Landscaping	Square Foot	1:0.5
-The provision of OPEN SPACE**	Dollar (\$)	20:1
PEDESTRIAN CIRCULATION IMPROVEMENTS:		
-Off-Site Sidewalk	Square Foot	1:1
-Pathway / Bikeway	Square Foot	1:1
-Pedestrian Bridge	Square Foot	1:1
PUBLIC ASSEMBLY SPACE:	Square Foot	1:5
ROAD LINK:***	Dollar (\$)	20:1
TRAFFIC IMPROVEMENTS:		
-Service Road (24 - 30 ft. paved width)	Square Foot	1:3
-Curb-cut Closure	Number Closed	1:15,000
TRANSIT AMENITIES:		
-Transit-related lane widening	Square Foot	1:2
-Traffic Management Project****	Dollar (\$)	20:1
OFF-SITE AFFORDABLE HOUSING:		
-Provision by developer	Affordable Unit	1:4,000
-Town's Housing Corporation contribution	Dollar (\$)	20:1

* Bonus Ratio = Amenity / Floor Area

** Open Space shall be valued in accordance with Section 324.724 or a contribution made to the Town's Conservation Open Space Fund.

*** Road Link shall include the cost of the acquisition of the land (or the rights therein) whether incurred directly or reimbursed to other parties required for the roadway and the design and construction of the elements thereof which form the intersections with public or private way to which it connects.

**** Traffic Management Project shall include the provision of land for, and/or the design and construction of roadway improvements, as well as the support of public transportation, within the Town.

(Art. 1, S.T.M. #2, 12/3/2002)

328.32- FAR Increases up to 0.55 based on Schedule II of Bonuses in the RC District. The Planning Board may, by Special Permit, grant an increase in the FAR up to a maximum FAR of 0.50, subject to the requirements of Sections 324.2.1 and 324.2.2, only for parcels located in the RC District. In addition, an increase in the FAR up to a maximum FAR of 0.55 may be granted by the Planning Board for those certain residential uses defined in Section 323.3, subject to the requirements of Sections 324.2.1 and 324.2.2, only for parcels located in the RC District.

Notwithstanding any provision in this by-law to the contrary, all parcels located in the RC District, shall be required, as a condition for increasing its FAR above 0.32 up to a maximum of 0.55; to provide Open Space as a public benefit amenity if it is in the ratios shown in the following "SCHEDULE II OF BONUSES":

SCHEDULE II OF BONUSES

<u>PUBLIC BENEFIT AMENITY</u>	<u>AMENITY UNIT</u>	<u>BONUS RATIO*</u>
For FAR increases from 0.32 up to 0.55:		
-OPEN SPACE Having the value ** of	Dollar (\$)	20:1

* Bonus Ratio = Amenity / Floor Area

** OPEN SPACE shall be valued in accordance with Section 324.724 or a contribution made to the Town's Conservation Open Space Fund.

The “bonus ratio” as used in Schedule II of Bonuses is the ratio of the unit of public benefit amenity provided, to the floor area permitted for bonus projects in excess of a FAR of 0.32. For example, the bonus ratio of twenty to one (20:1) and an amenity unit of “Dollar (\$)” means that for each Twenty Dollars Open Space Value as determined in accordance with Section 324.7.2.4, the project shall be eligible for one (1) additional square foot of floor area for permitted uses.

(Art. 5, S.T.M. #2, 10/10/2000) (Art. 1, S.T.M. #2, 12/3/2002)

328.33 FAR increases up to 1.00 based on Schedule III of Bonuses in the RCP District solely for a Regional Center Mixed-Use Development that meets the Affordable Housing Standard. The Planning Board may, by Special Permit grant an increase in the FAR up to a maximum FAR of 1.00 subject to the requirements of the second paragraph of Section 324.5 only for such Regional Center Mixed-Use Development. The assessment provided for in Schedule III of Bonuses shall be reduced by a total percentage not exceeding the sum of the percentage of affordable units as defined in Section 200, Affordable Housing Standard, plus the percentage of such qualifying units in excess of ten percent.

Notwithstanding any provision in this by-law to the contrary, all parcels located in the RCP District, which are proposed to have an FAR in excess of .32 and are to be developed as a Regional Center Mixed-Use Development, shall be required, as a condition for increasing its FAR for the housing component thereof as permitted under Section 324.5 to provide Open Space as a public benefit amenity if it is in the ratios shown in the following “SCHEDULE III OF BONUSES” as to the residential portion thereof (the shopping mall portion thereof shall be governed by the provisions of SCHEDULE I OF BONUSES):

SCHEDULE III OF BONUSES

PUBLIC BENEFIT AMENITY	AMENITY UNIT	BONUS RATIO*
For FAR increases from 0.32 up to 1.00:		
-OPEN SPACE Having the value ** of	Dollar (\$)	10:1

* BONUS RATIO = Amenity/Floor Area

** OPEN SPACE shall be valued in accordance with Section 324.724 or a contribution made to the Town’s Conservation Open Space Fund.

The “bonus ratio” as used in Schedule III of Bonuses is the ratio of the unit of public benefit amenity provided, to the floor area permitted for bonus projects in excess of a FAR of 0.32 as provided in the second paragraph of Section 324.5. For example, the bonus ratio of ten to one (10:1) and an amenity unit of “Dollar (\$)” means that for each Ten Dollars Open Space Value as determined in accordance with Section 324.724, the project shall be eligible for one (1) additional square foot of floor area for permitted uses.

(Art. 1, Fall STM #1, 10/18/2005)

328.4 State-mandated Amenities:

The Planning Board may grant bonus floor area for a public benefit amenity that is not specifically listed in paragraph 328.3 above, only when all of the following conditions are met:

- the provision of such amenity has been mandated as part of a State approval process,
- the provision of the alternative improvement furthers the objectives of this section 328, and
- the improvement is at least equivalent in value and effect to a listed public benefit amenity which would qualify the development for the proposed amount of bonus floor area.

328.5 Prospective Bonus Agreements: A project in the RC district, which proposes to provide a public benefit amenity but not to utilize the full FAR increase which the amenity makes possible, may enter into a prospective bonus agreement (PBA) with the Planning Board as a condition of the Board's granting of a Special Permit and Site Plan Approval. The PBA shall define the specific nature of the public benefit amenity and the amount of FAR and additional floor area for which the parcel shall become eligible as a result of provision of the improvement. The only effect of a PBA shall be to increase the allowable FAR of the development, subject to all other requirements of this section 328. The approval of a PBA by the Planning Board shall not be deemed to supersede or waive any of the other provisions of this section 328, nor shall such approval be considered to represent the granting of special permit and site plan approval for any future development.

328.6 Continuing Obligation for Bonuses.

328.61 Where a bonus is granted, the applicant shall covenant to ensure the continued use of the bonus facility or improvement for the purpose for which the bonus was granted. Such covenant shall be recorded as a condition of the special permit and shall run with the land.

328.62 An applicant who constructs a pedestrian circulation improvement shall be responsible for the maintenance and upkeep of the improvement, unless it has been dedicated to and accepted by the Town. If the improvement is not maintained, the Town may, at its sole option, place a lien on the property, maintain the improvement, and seek reimbursement from the owner.

328.7 Where an applicant has made payments to governmental agencies (other than to the Town of Natick), and such payments are for the purpose of the acquisition, improvement, or use of land within the Town for public use, the Planning Board may provide a credit up to the amount of such payments against any of the requirements for providing Open Space in these Highway Overlay Districts Regulations, provided that the Planning Board makes a finding that the payments made or credits given provide similar benefits to the Town as would have resulted from additional Open Space being provided to the Town (see Sec. 320 et seq.).

(Art. 5, S.T.M. #2, 10/10/2000)

Section 329. ADMINISTRATION

The review procedures set forth herein are intended to apply in the RC and HC districts, in addition to the requirements of the underlying zoning district. In administering such procedures and requirements, the Planning Board shall apply the standards of the underlying zoning district if such standards, procedure and requirements are more restrictive than set forth in these Highway Overlay District Regulations. The Planning Board shall be the Special Permit Granting Authority for all special permits granted under these Highway Overlay District Regulations.

329.1 Special Permit with Site Plan Review

329.11 A decision for Special Permit and Site Plan Review, per § VI-DD shall be required for any proposed development which meets one or more of the following criteria:

- The proposed development will exceed a FAR of 0.32;
- The proposed development will not comply with an applicable requirement of Sections 320 - 329, inclusive;
- The proposed development will require a special permit under the underlying zoning as modified by provisions of the Highway Overlay District Regulations.
- The proposed development will combine residentially zoned lot(s) with non-residentially zoned lot(s), regardless of the resultant FAR.

329.12 For all bonus projects and projects requiring a Special Permit under the underlying zoning, the Planning Board shall be the Special Permit Granting Authority. Bonus projects shall be subject to § VI-DD, unless specifically modified by other provisions of these Highway Overlay District Regulations. (Art. 23, 2024 Spring ATM, 05/09/2024)

329.2 Modifications and Waivers: The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E. The Planning Board shall not grant a waiver of the FAR regulations set forth in Section 324, except with respect to redevelopment projects which retain all or any part of prior-existing structures. (Art. 5, S.T.M. #2, 10/10/00) (Art. 37, Spring ATM, 4/11/2017)

329.3 Mutual Review: It is the intent of this Section to provide an opportunity for regional review of proposed developments in the Regional Center district. Review and comment by the Planning Board of the Town of Framingham is specifically encouraged. In its review of a site plan, the Natick Planning Board shall consider any comments submitted by the Planning Board of the Town of Framingham.

329.31 If the size of the proposed structure exceeds 50,000 square feet, the applicant shall submit a complete electronic copy of the application documents to the City of Framingham and shall meet with the Planning Board of Framingham to describe the project, if requested by the Framingham Planning Board.

329.32 If the size of the proposed structure is less than 50,000 square feet, the applicant shall submit a complete electronic copy of the City of Framingham. The Planning Board of Framingham shall be notified of the dates of all public hearings held by the Natick Planning Board regarding the project.

(Art. 7, S.T.M. #1, 2/3/1993 and Art. 23, FTM 10/18/2022)

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SECTION IV – Intensity Regulations

A. General Regulations, page IV-1

B. Intensity Regulations by Zoning District, page IV-3

B. Footnotes to Intensity Regulations, page IV-5

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IV-A. GENERAL REQUIREMENTS

1. A dwelling, building, or any structure hereafter erected in any district shall not be located on a lot having less than the minimum requirements specified in the following schedule (IV-B) and no more than one dwelling shall be built upon any single lot except as otherwise provided in this Bylaw. (Art. 1 S.T.M. 6/17/1969)
2. Any lot lawfully laid out by plan or deed duly recorded or registered in the appropriate Registry of Deeds or Land Registry District that complies, at the time of such recording or registering, with any minimum area and frontage requirements of any zoning bylaw in effect may thereafter be built upon for a single and/or two family residential use notwithstanding the adoption or amendment of a zoning bylaw imposing minimum area and frontage requirements in excess of the area or frontage, or both, of such lot, provided that at the time of building such lot has an area of more than five thousand square feet, a frontage of fifty feet or more, and is in a district zoned for single and/or two family residential use and conforms except as to area and frontage with the zoning bylaw in effect, and that at the time of adoption of such requirements, or increased requirements, such lot was held in ownership separate from that of adjoining land. (Art. 53 A.T.M. 1961 & Art. 50 A.T.M. 1976)
3. The minimum front-yard dimensions required in the following schedule are to be measured from the street line where a plan of the way or street is on file or platted with the Natick Planning Board or with the Registry of Deeds or, in the absence of such a plan or plat, from a line twenty feet from the parallel with the center of the traveled way or street.
4. A lot or parcel of land containing two or more dwellings existing prior to August 10, 1960 which can not be divided in conformity with these requirements may, under a Special Permit by the Planning Board, be divided in a manner complying as closely as possible with these requirements.
5. Height of Building. The limitation on height of buildings and structures shall not apply in any district to roof tanks and their supports, ventilating, air conditioning and similar building service equipment, chimneys, railings, skylights and other similar features of buildings which are in no way designed or used for living purposes. (Art. 51 A.T.M. 1976)
6. Shared Driveways. Two or more residential structures hereafter erected in any district, shall not be served by a common or shared driveway unless approved under § VI-DD.2 Site Plan Review by the Planning Board. Specifications for a shared driveway shall be required which are adequate to serve the number of vehicles that will use it, and where more than two residential structures are to be served such driveway shall meet minimum Town Standards as found in the Subdivision Rules and Regulations. (Art. 23, 2024 Spring ATM, 05/09/2024)
7. Minimum Lot Width in Residential General (RG) and Residential Single (RS) Zoning Districts. No lot shall be laid out in an RG or an RS district unless it has a minimum width measured as follows: No portion of the lot between the dwelling or other primary structure and the street line of the front yard shall have a width, where width is defined as the shortest distance between the side lot lines, that is less than three quarters of the minimum required frontage. (Art. 22, Spring Session, A.T.M. 4/11/96) (Art. 24, Fall Session A.T.M. 10/5/2000)
8. No person shall erect a fence in excess of six feet in height without a special permit issued by the Special Permit Granting Authority having jurisdiction over the site. (Art. 39, Fall Session A.T.M. 10/14/1999)

9. The Intensity Regulations requiring minimum front yard set backs in residential districts shall not apply to a Covered Open-Air Front Porch, provided that no portion of the Covered Open-Air Front Porch shall be (i) enclosed by screen, glass or building walls; (ii) of a depth (including all roof lines and columns, but not stairs) greater than ten (10) feet or one-third (1/3) of the height of the principal residential structure to which it is attached, whichever is less; (iii) located closer to the front lot line than a distance in feet equal to sixty (60%) percent of the applicable front yard set back requirement; and (iv) (with the exception of the applicable front set back requirement) constructed in compliance with all other requirements of the underlying zone including, without limitation, side yard set back and lot coverage requirements. (Art. 39, Spring A.T.M. 4/8/2008)

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IV-B INTENSITY REGULATIONS BY ZONING DISTRICT

District Designation	Lot Minimum			Minimum Setback			Building Maximums		Minimum Open Space per Lot
	Area (sqft)	Cont. Frontage (ft)	Depth (ft)	Front (ft)	Side (ft)	Rear (ft)	Percentage of Building coverage (including Accessory Structures)	Height (story/ft), whichever is lower (c)*	
PCD	750,000 (p)	360	600	None (q,t)	None (q,t)	None (q,t)	25 (r,s)	2.5/40	50%
RM*****	20,000 (d)	120 (k)	125 (k)	30 (k)	12 (l)	25 (m)	25	1.5 x width of street	40% (n)
RSA	15,000	110	125	30	12 (z)	25	25	2.5/35	None
RSB	40,000	140	150	40	20 (z)	40	20	2.5/35	None
RSC	20,000	120	125	30	12 (z)	25	20	2.5/35	None
RG***	12,000	100	100	30	12 (h,z)	25 (g)	30	3/40	None
AP+++	30,000	120	140	30	20 (x)	25 (x)	25	2.5/35	35%
DM	10,000	80	120	15 (ff)	0 (ff)	20	60	-/50 (ff)	10% (ff)
CG (Residential Mixed-use Development; mixed-use development; single-use non-residential) ^ ^	10,000	80 (cc)	80	12	12	15		-/38	10%
CG (single-use residential) ^ ^	7,000	70 (cc)	80	20	12	15		-/32	20%
CII****	40,000	200 (e)	200	40, 85(a,f)*	40 (j)	40	30	-/30	10%
HPU	See Section III-G.2.3								
IN-I	20,000	120 (e,i)	150	40 (a,f)	20	20	35	-/30	10%
IN-II** & HM-I (Small Corporate Campus Parcel) ^ ^ ^	80,000	200 (e)	200	85 (b)	(b) (cc)	(b) (cc)	50 (ee)	-/80	None
HM-I (Large Corporate Campus Parcel) ^ ^ ^	200,000	200	200	30 (cc) (dd)	60 (cc) (dd)	60 (cc) (dd)	75 (ee)	-/80	15% (ee)
HM-II●●●●	See Section III-C.4 & 5								
HΔΔ	800,000	600	600	75	50	100	30	-/85	50% (v)
LC++++	See Section III-D.3						20	-/35	10%
HM-III●	See Section III-G.1.2								

^ (Art. 29, 1997 Fall ATM)

^ ^ Art. 24, Spring ATM 05/02/2023

^ ^ ^ Art. 28, Spring ATM 05/02/2023

(Art. 21, Fall ATM, 10/24/2024)

IV – B Intensity Regulations by Zoning Districts Footnote References

*	Art.	48 ATM	1962
**	Art.	47 ATM	1962 & Art. 46 ATM 1962
***	Art.	49 ATM	1962
****	Art.	51 ATM	1962 & Art. 51 ATM 1964
*****	Art.	45 ATM	1965
Δ	Art.	83 ATM	1973
ΔΔ	Art.	9 STM #1	1973
+++	Art.	8 STM #2	1975
•••	Art.	1 STM	Mar. 20, 1979
++++	Art.	6 STM	Mar. 20, 1979
••••	Art.	3 STM	Mar. 20, 1979
+	Art.	10 STM	Oct. 23, 1979
•	Art.	1 ATM	Oct. 6, 1981

See footnote (x) Section IV - Page 8 for additional AP District Requirements

SECTION IV-B FOOTNOTES TO INTENSITY REGULATIONS

- a. Except wherein building lines have been established.
- b. Applies only to premises abutting a residential district (RG, etc.), otherwise for Commercial (CI) may be 0 ft. sideyard; Highway Mixed Use-I (HM-I) shall be not less than forty (40) feet for side and rear yards; and for Industrial (IN-II) shall be 1 1/2 times the height of building, but not less than 40 ft. In the HM-I District, the SPGA may by Special Permit modify the front, side, and rear setback requirements if the SPGA determines that a project qualifies for modified side or rear setback pursuant to Section III-B-3.c.vi. (Art. 45 A.T.M. 1962), (Art. 1 S.T.M. 3/20/79), and (Art. 28, Spring ATM, 05/02/2023).
- c. Note type of construction in the Commonwealth of Massachusetts, State Building Code, which shall solely govern height limitations for zoning purposes, where same is more restrictive than the specifications hereinabove, provided, however:
 - i. any building erected in a CII or In-I District the nearest portion of which building is more than 250 feet from the nearest residential boundary line shall be governed by only a height limitation of 75 feet. (Art. 1, STM #3, Oct. 27, 1981)
 - ii. any building erected in a Hospital (H) District shall not exceed forty-five (45) feet in height within 150 feet of any residential district. The maximum allowable height may be increased up to eighty-five (85) feet upon issuance of a Special Permit by the SPGA, so long as those portions in excess of forty-five (45) feet in height do not exceed one or more forty-five (45) degree sky exposure planes beginning at the ground one hundred (100) feet from the nearest residential district. (Art. 46, A.T.M. April 27, 2010)
- d. 20,000 square feet for first four families, 4,300 square feet for each family thereafter, and in addition to the minimum frontage required per lot for four families; each family thereafter an additional 10 feet of street frontage. (Art. 45 A.T.M. 1965) For large parcel development HM-II Districts (see § III-C-2), the Planning Board, in accordance with § VI-DD.2 Site Plan Review provided for hereinafter, shall allow densities of up to a maximum of twenty (20) units per acre. (Art. 3 S.T.M. 3/20/79; Art. 21, 2024 Spring ATM, 05/09/2024)
- e. One entrance and exit only per street frontage.
- f. 85 ft. setback applies to Worcester Street (Route 9).
- g. One-half height of building, but in no case less than 25 ft.
- h. One-third height of building, but in no case less than 12 ft.
- i. Two-hundred-foot frontage applies to Worcester Street (Route 9).
- j. In a CII district, sideyards as indicated are not required for a structure located on a lot of at least five acres in an area having a minimum width of 500 feet for such sidelines as abut a lot which is also at least five acres in area, having a minimum width of 500 feet, provided further that no part of the structure is within 400 feet of the nearest residential boundary line. (Art. 51 A.T.M. 1964)
- k. For lots with an area of 40,000 square feet or larger, the minimum dimensions for Continuous Frontage, Depth, and Front Yard shall be those of the Residential Single Zone of comparable minimum area, i.e. RSB, RSD, or RSE. (Art. 45 A.T.M. 1965)
- l. One-third height of building, but in no case less than the Sideyard dimension for the Residential Single Zone of comparable minimum area, i.e. RSC, RSB, RSD, or RSE. (Art. 45 A.T.M. 1965)
- m. One-half height of building, but in no case less than the Rearyard dimension for the Residential Single Zone of comparable minimum area; i.e. 25 feet if the area of the lot is 20,000 square feet or more, but not 40,000 square feet; 40 feet if the area of the lot is 40,000 square feet or more. (Art. 45 A.T.M. 1965)

- n. Conventional outdoor recreational facilities such as tennis courts, playgrounds, swimming pool, etc., may be considered as part of the Open Space requirement (Art. 45 A.T.M. 1965).
- p. In a PCD District and each subarea as hereinafter defined, an overall minimum of 4,500 square feet of land area for each dwelling unit. The number of dwelling units permitted under such overall minimum in a lot in a PCD District shall be the number arrived at by dividing the total square-foot area of the lot by 4,500. For the purposes thereof, "Subarea" shall mean any portion of a lot designed for 600 dwelling units or less. Each lot shall be divided into subareas in such a manner as the developer may choose, consistent with the foregoing, and the subarea embracing the building or buildings for which the developer seeks a permit under Section VI-C hereof shall be shown on the plan required under said Section. Within each subarea as designated on the developer's plan as aforesaid, dwelling buildings to be constructed shall be "clustered" into groups, each group containing at least three such buildings. Within each cluster there shall be no more than 2500 or less than 1500 square feet of land area per dwelling unit. (A "cluster" is defined as the area circumscribed by a line connecting exterior points of outer building walls of the dwelling buildings contained within a single group of buildings.) (Art. 1 S.T.M. June 17, 1969) and (Art. 2 S.T.M. #2 April 6, 1971).
- q. In a PCD District all buildings shall be at least 50 ft. distant from any public way, at least 25 ft. distant from any lot line, and at least 30 ft. distant from any private way (Art. 1 S.T.M. June 17, 1969)
- r. In a PCD District no one type of building designed for dwelling units (i.e. Garden Type Apartment House, Central-Type Apartment House or Town House) shall constitute more than 50 percent nor less than 10 percent of the number of all buildings constructed. Such ratio shall be applied to any portion of the entire tract designed for 600 dwelling units or less (subarea) called for above in Section IV-B, footnote "p". (Art. 1 S.T.M. June 17, 1969)
- s. In a PCD District there shall be no buildings containing more than 30 dwelling units or measuring more than 240 ft. in length. (Art. 1 S.T.M. June 17, 1969)
- t. In a PCD District all buildings shall be separated from other buildings by a distance of 10 feet, or 10 percent of the length of the shorter buildings involved, whichever is the greater. (Art. 1 S.T.M. June 17, 1969)
- u. No main entrance door(s) to any apartment building (as defined in Section I-D of this Bylaw) in a PCD, RM or any other Zoning District, shall be farther from a public or private way, vehicular access or parking area than 35 feet. (Art. 4 S.T.M. #4 June 27 1972)
- v. In an H District all portions of the lot within 10 feet from any adjoining residential district or within 75 feet from any street, except for driveways for access from a street, shall be maintained as landscaped open space in accordance with Section V-C. In addition, any developed areas located within 50 feet from any adjoining residential property shall be screened by hedges or coniferous planting, having a height of at least 4 feet at the time of planting, by grading of at least 6 feet in height, by ornamental fencing at least 6 feet in height or by any combination of these methods, and any artificial lighting within such area shall be arranged and shielded so as to prevent direct glare from the light source onto adjoining property. (Art. 9 S.T.M. #1 April 3, 1973)
- w. Deleted by Art. 16, Fall Session A.T.M. 1985 - Oct. 3
- x. In an AP District, a strip of landscaped buffer area at least 15 feet wide shall be maintained by means of a conservation restriction at all side and rear boundaries of the parcel. The front of said parcel shall have a landscaped area at least 20 feet deep. Such landscaped areas may be increased to 25 feet where in the opinion of the SPGA (i.e. Special Permit Granting Authority) the relationship of the parcel in question to the surrounding land uses requires additional buffering. The criteria to be applied is that parking and service areas shall not normally be visible from a public or private way and from adjacent properties, other than through the access and egress ways to the parcel. Screen materials

may include evergreen plants, which are characterized by dense growth which will form an effective year-round screen, or a fence, or a wall. Uses of berms shall be encouraged. Screening may consist of both natural and man-made materials. To the extent practicable existing trees shall be retained. Evergreen trees shall be so chosen that they will reach a mature height of 30 feet or greater, and shall have an average spacing of 15 linear feet between them. Understory plant materials must be at least 3 feet in height when planted, and trees must be at least 8 feet in height when planted. Height shall be measured from the finished grade. All required plant materials shall be permanently maintained in a healthy condition, and whenever necessary replaced with new plant material to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced. (Art. 16 Fall A.T.M. Oct. 3, 1985)

- y. Deleted by Art. 16, Fall Session A.T.M. 1985 - Oct. 3.
- z. Except where the existing residence was located or constructed on a lot, pursuant to a variance or special permit, a shed housing a heating or fuel oil storage tank may be attached to an existing dwelling in an (RSA), (RSC), (RSB) and (RG) zoning district as a matter-of-right, notwithstanding the sideyard requirement presently applicable in any such district, provided such shed as constructed shall not extend a distance greater than 4 1/2 feet from the dwelling to which it is attached and all necessary permits required therefor shall be obtained, provided, however, that no portion of such shed shall be situated within 5 feet of any sideyard lot line. (Art. 7, S.T.M. #1 January 21, 1992)
A shed for storage as an accessory use to a residence no larger than 10' x 12' x 10' high may be located at a distance less than the required setback, but no closer than six (6') feet from a side or rear lot line in the RSA, RSB, RSC, and RG zoning districts, provided that such shed shall not be connected to utilities. (Art. 17, STM #3 December 15, 1998)
- bb. Within the RG zoning district, a minimum of 5,000 square feet of lot area is required per Dwelling Unit for the conversion of a One-Family Dwelling to, or construction of a Two-Family Dwelling, for a pre-existing, non-conforming lot or structure. (Art. 21, 2024 Spring ATM, 05/09/2024)
- (cc) Corner lot frontage: When a lot is bounded by more than one street, one of them, but only one, must be designated as the frontage street, provided the street meets the requirements for minimum lot frontage described in this Bylaw, with the following exception: in the case of a lot bounded by two streets forming an interior angle of more than 135°, their combined frontage may be used to satisfy the lot frontage requirement. (Art. 24, Spring ATM, 05/02/2023)
- cc. See §III.B.4 of the Natick Zoning By-Law. (Art. 28, Spring ATM, 05/02/2023)
- dd. Minimum front, side and rear yards exclude staircases, ramps and other facilities required by law for the safe use of the structure. (Art. 28, Spring ATM, 05/02/2023)
- ee. Across the lots or lots constituting a Small or Large Corporate Campus Parcel. (Art. 28, Spring ATM, 05/02/2023)
- ff. § III-E Downtown Mixed-use (DM) Zoning District
 - 1. Front Setback: A Front Setback may be reduced by a Special Permit, if the Planning Board as the Special Permit Granting Authority (SPGA) finds that the project satisfies the following criteria:
 - The Front Setback accommodates sidewalk width to support the anticipated level of activity and usage;
 - The placement of the building is generally consistent with that of other buildings on the streets; and
 - The placement of the building supports a walkable pedestrian area.

2. Side Setback: Structures abutting a residential zoning district shall have a minimum Side Setback of ten (10) feet.
3. Building Height: Structures greater than five hundred (500) sqft shall be a minimum of thirty (30) feet in height.
4. Open Space per Lot: Any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)
(Art. 24, Fall ATM, 10/17/2024)

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SECTION V – SPECIAL REQUIREMENTS

- A. Non-conforming Uses, page V-1**
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- B.1. Accessory Buildings, page V-1**
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SECTION V - SPECIAL REQUIREMENTS

V-A NONCONFORMING USES

1. Continuation.

The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although each structure or use did not conform with the provisions of this bylaw as adopted or amended.

2. Extension.

No increase in the extent of the nonconforming use of a structure or land may be made beyond the limits of the property owned at the time of enactment or subsequent amendment of this bylaw. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration is not substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D.

3. Abandonment.

A nonconforming use that has been abandoned or not used for a period of two years shall not be re-established and any future use shall conform with this bylaw. Whenever a non-conforming use has not been used for two years or more, it shall not be resumed or reestablished, and all future uses shall conform to this bylaw. This provision shall not be tolled where a fire, flood, hurricane or other similar disaster or event has prevented maintenance of such use. This provision shall be tolled only where legal impediments exist which prevent such use, provided that all reasonable action has been commenced within such two year period to remove such legal impediment, and diligently pursued. (Art. 21, Fall A.T.M. 10/10/1995)

4. Changes.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

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V-A.1 ALTERNATE USES IN RESIDENTIAL DISTRICTS

Except for the primary residential use of RS or RG, allowed in their respective districts; for all other uses that are either permitted, allowed by special permit, or otherwise enabled; all parking, areas of active use, play areas, communal gathering areas, and storage; whether in buildings, accessory structures, or outdoor; shall be subject to the district's setbacks as shown in Table IV – B.

(Art. 34, Fall TM, 10/15/19)

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V-B.1 ACCESSORY BUILDINGS

No accessory building or structure shall be located within the required frontyard area. No accessory building shall be located in any sideyard area nearer to the side lot line than ten feet, or in a rearyard area nearer to the rear lot line than ten feet, or nearer to another principal or accessory building than ten feet. Accessory buildings are included within the maximum percent of building coverage.

V-B.2 ACCESSORY USES

1. Agri-tourism – A range of uses accessory to an agricultural use including, but not limited to, restaurants or similar food service establishments, outdoor dining, indoor or outdoor events, inns or similar specialty lodging, and retail stores with agricultural, food, craft, art or similar products.
 - a. Standards.
 - i. The primary use must be an agricultural use.
 - ii. The property must be a minimum of 25 acres.
 - iii. Lodging related uses are limited to no more than 6 rooms
 - b. Review. The agri-tourism accessory use requires a Special Permit from the Planning Board. The Planning Board as the SPGA shall consider the following:
 - i. Compliance with the provisions of § VI-DD.1 Special Permit of the Bylaw
 - ii. The compatibility of the proposed agri-tourism accessory use with the agricultural primary use.

(Art. 26, Fall ATM, 10/19/2021; Art. 27, Fall ATM, 10/19/2021; Art. 21, 2024 Spring ATM, 05/09/2024)

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V-B.3 Accessory Uses – Solar Energy Systems:

- 1) Roof-mounted Solar Energy Systems shall be permitted in all use districts.
- 2) The installation of Roof-mounted Solar Energy Systems that:
 - a) comply with the regulations provided in this section; and
 - b) are located on properties with nonconforming uses or structures; and
 - c) do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-mounted Solar Energy System in question shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6.
- 3) In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies shall be permitted in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems shall be permitted subject to site plan review by the Special Permit Granting Authority.
- 4) In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall be permitted in rear and side yards. Medium-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies are permitted subject to site plan review by the Special Permit Granting Authority. The same regulations shall apply in residential districts for exempted uses as defined by M.G.L. c.40A s.3, or other state and federal statutes, and by the Natick Zoning By-Laws.
- 5) Where Solar Energy Systems would be installed in a Historic District, the system shall require approval by the Historic District Commission.
- 6) Maximum Percentage (%) Building Coverage
 - a) Active Solar Energy Systems are not buildings as defined in the Natick Zoning By-Laws and should not be treated as such. However, for the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Building Coverage as defined in the Intensity Regulations provided in the Natick Zoning By-Laws.

- b) An Active Solar Energy System’s contribution toward Maximum Percentage (%) Building Coverage shall be calculated as the total area of the system’s panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system’s contribution to Maximum Percentage (%) Building Coverage would equal 150 square feet.
- c) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Building Coverage.
- d) For Ground–mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Building Coverage.
- e) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Building Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building’s footprint - that is already counted).

7) Height

a) Building-mounted Solar Energy Systems:

System Type	Roof Pitch	Siting	Maximum Height
Roof-mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.
Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof’s edge.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All districts	No greater than the highest point of the roof.

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b) Ground-mounted Solar Energy Systems:

System Type	Siting	Maximum Height
Small-Scale Ground-mounted Solar Energy System	All districts	Twelve (12) vertical feet from grade.
Medium-Scale Ground-mounted Solar Energy System	All districts	Twelve (12) vertical feet from grade.
Solar Parking Canopy	Residential	The maximum height allowed on the lot or the height of the principal structure, whatever is less.
Solar Parking Canopy	Non-residential	Subject to site plan review by Special Permit Granting Authority.

8) Setbacks

- a) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
 - b) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
 - c) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with requirements defined in Section V-D, Off-street Parking and Loading Requirements. The requirements for the planting of trees in landscaped strips as defined in Section V-D, Subsection 16, Landscaping Adjacent to Right-of-Way should be met elsewhere on the lot.
 - d) All other Ground-mounted Solar Energy Systems shall meet requirements for District-level setbacks as defined in the Natick Zoning By-Laws.
 - e) Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.
- 9) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Natick Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.
- 10) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Natick Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Natick's Stormwater Management and Erosion Control By-Law, Article 79A of the By-Laws.
- 11) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts and Solar Parking Canopies in non-residential districts are subject to § VI-DD.2 Site Plan Review. (Art. 23, 2024 Spring ATM, 05/09/2024)
- a) Site Plan Document Requirements: An applicant shall provide a Site Plan Review application to the Planning Board in compliance with § VI-DD.2 Site Plan Review. In addition, applicants should submit the following (Art. 21, 2024 Spring ATM, 05/09/2024):

- i) Name, address, and contact information for proposed system installer.
 - ii) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - iii) The name, contact information and signature of any agents representing the project proponent.
 - iv) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - v) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.
 - vi) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
 - vii) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - viii) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
 - ix) Locations of local or National Historic Districts in relation to the site.
- b) Design Criteria: The Planning Board shall review Medium-scale Ground-mounted Solar Energy Systems, per § VI-DD.2 Site Plan Review, in addition to the follow Design Criteria (Art. 23, 2024 Spring ATM, 05/09/2024):
- (i) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Special Permit Granting Authority that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 - (ii) Utility Connections: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - (iii) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Natick Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
 - (iv) Height and Layout: The Special Permit Granting Authority shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.

- (v) Visual Impact: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- (vi) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
- (vii) Lighting: The Special Permit Granting Authority shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution to the standards of Section V-I. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(Art 30 Fall A.T.M. 10/24/17)

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V-C OPEN SPACE

The minimum open space required is to be free of all structures, parking, drives and other uses that preclude space for attractive landscaping. In business and manufacturing districts where applicable this minimum open-space-per-lot requirement applies specifically to the frontyard. All landscaped areas, including lawns, trees, shrubs and other plantings shall be properly maintained thereafter in a sightly and well-kept condition. On a lot of at least five acres, and situated in a CII District, if 10% of the area between any street on which the lot abuts, and the line of the building thereon, is devoted to open space, for each additional 85 feet of setback of the building on that lot, the open space requirement of 10% of that lot may be reduced by 1% to not less than 5%, provided the lot is not located within 400 feet of a residential boundary line. (Art. 55 A.T.M. 1964)

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V-D OFF-STREET PARKING AND LOADING REQUIREMENTS

(Art. 1 S.T.M. #3 6/22/1976)

1. Purpose.

It is the intent of this section that any use of land involving the arrival, departure, parking or storage of motor vehicles be so designed and operated as to assure safe access and departure as well as adequate off-street parking to serve the uses of such land. In addition, this section is intended to insure that safe movement of pedestrians is provided for, both within the parcel and to adjacent parcels, and that necessary provisions are made for the safe use of such other means of transportation as may be reasonably expected to use a site. This section also has the additional purpose of providing minimum landscaping requirements for off-street parking facilities in order to preserve and increase the Town's health and safety.

2. Applicability.

- a) No building or structure constructed after March 26, 1975 shall be used or shall be changed to a greater category of parking demand as outlined in Section V-D 3., except in compliance with these Off-Street Parking and Loading Requirements.
- b) Any building, structure or land use with its parking lot or facilities, if any, which was existing or lawfully begun or for which a permit was issued prior to March 26, 1975 may continue its permitted operation or may be changed to a use within the same or lesser category of parking demand without having to conform to these Off-Street Parking and Loading Requirements. However, any building or structure or land use which changes its operation to a category of greater parking demand, as outlined in Section V D 3., must comply with these Off-Street Parking and Loading Requirements.
- c) Where an existing building or structure has been damaged or destroyed by fire or other disaster, and reconstructed to the same size or lesser size as previously existed, the parking facilities which serve that building or structure may remain the same size and dimensions as previously existed, and continue, even though they do not conform to the requirements of this section, provided the building is not changed to a category of greater parking demand as outlined in V-D 3.
- d) No existing off-street parking spaces shall be eliminated if their removal would cause the total number of spaces provided on a site to be less than the number required by this Section.
- e) The Building Inspector may approve construction of less than the required number of parking spaces for a proposed or existing development; provided, the balance of the spaces not constructed shall be designated as "reserve spaces" and laid out as an integral part of the overall parking layout and are located on land suitable for parking area development which is either left in its natural state or suitably landscaped.

The owner may at any time, construct the total number of parking spaces required or if the Building Inspector determines that additional spaces, identified as reserve spaces on the site plan, may be required, he shall notify the owner of the property concerning his findings and the owner shall construct the required space. (Art. 5 S.T.M. #1 3/20/79)

3. Parking Facilities Required by Category of Parking Demand

- a) For 1 & 2 Family Dwelling Units - 2 spaces for each dwelling unit; driveways may be included as required space for single and two-family dwellings.
- b) For Multiple-Family Dwellings - One (1) space for one (1) bedroom or studio units, one and one-half (1 1/2) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms. All required spaces are to be provided within a distance not to exceed three hundred (300) feet from the building in which the specific family unit served is located. In a PCD District, parking lots shall not exceed 125 spaces in any one lot, and lots shall be at all points at least twenty-five (25) feet apart.* For an AP Cluster Development, the parking requirements shall be one (1) space for a studio unit, and two (2) spaces for one or more bedrooms. In CG and DM districts there shall be one (1) space for a studio apartment, one (1) bedroom unit, or two (2) bedroom unit; and two (2) spaces for units having three (3) or more bedrooms. (Art. 45 S.T.M. April 7, 1987) (Art. 6, Fall T.M. 10/20/20) Note: Any housing which is specifically designed and constructed to meet the needs of the elderly may reduce the parking requirements for all such units by one-half. (Art. 24, Spring ATM, 05/02/23)
- c) Permitted Home Occupations - Spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the dwelling.

- d) For offices - 1 space per four hundred (400) square feet of gross floor area*, within the DM District, 1 space per seven hundred (700) square feet of gross floor area. (Art. 6, Fall T.M. 10/10/20)
- e) For financial institutions, retail stores, personal services, shops, and similar commercial uses - 1 space for each two hundred and fifty (250) square feet of gross floor area. Within the DM District, 1 space for each five hundred (500) square feet of gross floor area, except that where the use is located on the first floor there is no minimum parking requirement. (Art. 41, Spring T.M. 4/12/11) (Art. 6, Fall T.M. 10/10/20)
- f) For furniture, machinery, equipment, automobile and boat sales and/or service establishments - 1 space for each four hundred (400) square feet of gross floor area. *
- g) For restaurants, night clubs, bars and lounges - 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats, whichever is greater. Within the DM District, 1 space for every twenty-five (25) seats, except that where the use is located on the first floor there is no minimum parking requirement. Public area shall mean the area reserved for the general public for the actual consumption of food and beverages.* (Art. 59, Fall A.T.M. 10/20/09) (Art. 41, Spring T.M. 4/12/11) (Art. 6, Fall T.M. 10/20/20)
- h) For drive-in restaurants - 1 space for each fifty (50) square feet of gross floor area with a minimum of twenty (20) spaces.*
- i) For areas with fixed seating, such as churches, assembly halls or stadiums - 1 space for every three (3) seats.*
- j) For places of public assembly or public recreation not otherwise listed - 1 space for each five (5) occupants as permitted under the state building code.
- k) For libraries, museums and non-commercial art galleries - 1 space for each one thousand (1,000) square feet of gross floor area.*
- l) For hotels, motels, lodging or boarding houses - 1 space for each unit available for occupancy. Where a restaurant, function rooms and cocktail lounges are included in a hotel or motel only one-half of the spaces normally required for such uses need be provided in excess of the spaces otherwise required for the hotel or motel.*
- m) Hospitals - 1 space for each bed, plus 1 space for each two (2) employees on largest shift.
- n) Nursing homes - 1 space for each six (6) patient accommodations, plus 1 space for each two (2) employees on largest shift.*
- o) For funeral homes - 1 space for each seventy (70) square feet of public floor area, excluding residences which shall meet the requirements of 3.a and 3.b.*
- p) For industrial plants, wholesale establishments, warehouses and similar buildings - 1 space for each two thousand (2000) square feet of gross floor area, or 1 space for each three (3) persons normally employed on largest shift, whichever is greater.*
- q) Theaters with single viewing screens - 1 space for every 3 seats. Theaters with more than one screen 1 space for every 5 seats. (Art 5 S.T.M. #1 3/20/1979)
- r) Specialty Craft Fabrication without accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater. Within the DM district, 1 space for every three thousand (3,000) square feet of gross floor area or 1 space for each four (4) persons normally employed in the largest shift, whichever is greater. (Art. 6, Fall T.M. 10/20/2020)
- s) Specialty Craft Fabrication with accessory space for consuming goods produced on site – 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each

three (3) persons normally employed in the largest shift, whichever is greater plus 1 space for every thirty (30) square feet of public area reserved for the general public for the actual consumption of food and beverages. (Art. 31, Fall T.M. 10/15/19) Within the DM District, 1 space for every three thousand (3,000) square feet of gross floor area, or 1 space for each four (4) persons normally employed in the largest shift, whichever is greater, plus 1 space for every two hundred and fifty (250) square feet of public area reserved for the general public for the actual consumption of food and beverages (indoor spaces only), except that where the public area is located on the first floor there is no minimum parking requirement. (Art. 6, Fall T.M. 10/20/2020)

- t) Creative Production – 1 space for every five hundred (500) square feet of gross floor area; within the DM District, 1 space for every one thousand (1,000) square feet of gross floor area. (Art. 30, Fall T.M. 10/15/2019; Art. 6, Fall T.M. 10/20/2020)
- u) Notwithstanding the minimum requirements enumerated in sections a) and b) above, the SPGA may, by special permit, reduce or remove the parking requirement for dwelling units in the DM and any HOOP District upon commitment to payments according to the incremental Parking Credit schedule in Table 1 below based on the difference in parking units provided and those required under sections a) and b) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district. (Art. 19, Fall A.T.M 10/21/2008; Art. 6, Fall T.M. 10/20/2020)
- v) Payments received under the provisions of Section V-D.3.u) of this Bylaw shall be maintained in an offsite parking construction and acquisition fund from which monies may be expended under the direction of the Board of Selectmen for the sole purposes of new public parking construction and acquisition in the Downtown Mixed Use and/or any HOOP Districts. (Art. 30, Fall A.T.M. 10/19/2010)
- w) Assisted living residences – 0.5 spaces per living unit; provided that sufficient parking is also provided or banked to meet future parking requirements of the facility for its demonstrated alternative use, as set forth in Section III-I, 3c and Section V-D.” (Art. 44 A.T.M 04/27/2010)
- x) Independent Senior Living Facility – 1.0 space per dwelling unit (Art. 41, Spring ATM, 4/11/2017)
- y) For nursery schools and child care facilities - 1 space per 5 children the facility is licensed to serve (Art. 3, S.T.M. #1, 5/9/2017)

(Art. 6, Fall T.M. 10/20/2020)

Table 1: Incremental Parking Credit Schedule	
<u>Required spaces less permitted spaces</u>	<u>One Time Mitigation</u>
Per whole space	\$20,000
Per half space	\$10,000

(Art. 22, 2024 Spring ATM)

4. Interpretation of Off-Street Parking

- a) The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial or industrial use.
- b) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

- c) The parking space requirements for a use not specifically listed in this section shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand generation.
- d) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Where a single parking area contains more than 400 adjoining parking spaces intended to serve more than one establishment dedicated to the retail sale of products or services to the general public, the total number of parking spaces required in excess of 400 may be reduced by 25%. (Art. 5 S.T.M. #1, 3/20/1979)
- e) As used in Section V-D 3. gross floor area shall mean the total floor area of all floors, including basements, within the perimeter of the outside walls of the building under consideration, with no deduction for hallways, stairs, closets, thickness of walls, columns or other features. However, where a basement is used only for storage and not accessible to the public only one-fourth of such area need be included in the calculation of gross floor area.
- f) In a commercial district where outside sales or storage space is provided, the square foot area shall be added to the gross floor area for the purpose of calculating the required number of parking spaces.

5. Exceptions in Downtown Mixed Use District

Notwithstanding the minimum requirements enumerated in sections 3, c) through 3, t) above, in a DM District the number of parking spaces required for non-residential use may be reduced by special permit by not more than ten (10%) percent of the requirement of section V-D 3, conditioned upon the approval of the SPGA, and upon commitment to payments according to the Incremental Parking Credit schedule in Table 2 below based on the difference in parking units provided and those required under sections c) through q) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district.

Further notwithstanding the minimum requirements enumerated in sections 3, c) through 3, t) above, in a DM District the SPGA may, as part of a special permit or site plan review for a change in use or expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a finding that the new or expanded use is not detrimental to the intent of this bylaw and that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c) improves pedestrian and/or vehicular movements, (d) enhances the streetscape for abutting properties, (e) creates affordable housing, or (f) accommodates mass transit facilities. (Art. 41, Spring T.M. 4/12/2011)

Table 2: Incremental Parking Credit Schedule	
<u>Required spaces less permitted spaces</u>	<u>One Time Mitigation</u>
Per whole space	\$25,000
Per half space	\$12,500

(Art. 22, 2024 Spring ATM)

6. Location of Required Parking Spaces

Required parking spaces shall normally be located on the same lot as the building or use which they serve. However, the Special Permit Granting Authority may grant a special permit to allow

use of parking facilities not on the same lot provided that the Special Permit Granting Authority determines that proper provision is made to insure pedestrian and traffic safety and that the intent and purpose of this section of the bylaw are attained. (Art. 19, Fall A.T.M. 10/21/2008)

Except as hereinafter provided, no land in a Residential District shall be used for off-street parking accessory to or to service a structure or use in a Commercial, Industrial, Highway Planned Use, or a Highway Mixed Use District.

7. Minimum Area

For the purpose of this regulation, an off-street parking space is an all-weather surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet for angle parking or twenty-two (22) feet for parallel parking. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required areas, other than those serving One-Family and Two-Family Dwellings, are to be exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of One-Family and Two-Family Dwellings, all-weather surfaces shall not be required. (Art. 21, 2024 Spring ATM, 05/09/2024)

8. Pedestrian Safety

Crosswalks shall be provided in selected locations and clearly marked on the pavement to aid pedestrians in crossing traffic within the lot. As a minimum, off-street parking areas shall be separated from the front of the building served by a paved walk at least four (4) feet wide with a seven (7) inch high safety curb located along the front of the building, or other safety devices as the Building Inspector may specify.

Where there exists along an exterior side or rear wall, an entrance or exit normally used by the general public (excepting therefrom but not limited to fire doors and loading areas) such entrance or exit shall be provided with a paved walk at least four (4) feet wide with a seven (7) inch high safety curb extending at least six feet along the building on either side of such entrance or exit. (Art. 5, S.T.M. #1 3/20/1979)

9. Interior Drives

Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted.

<u>Type of Parking</u>	<u>Driveway Width</u>
90 degree to 61 degree parking	twenty four (24) feet
60 degree to 46 degree parking	eighteen (18) feet
45 degree to 30 degree parking	fifteen (15) feet
parallel parking	fifteen (15) feet

Ninety degree (90 degree) or parallel parking shall be used in all off-street parking lots unless there is positive control of traffic directions. Parking at angles at less than thirty degrees (30 degrees) is prohibited except for parallel parking. The minimum width of any interior driveway serving an off-street parking area shall be fifteen (15) feet.

10. Entrance and Exit Driveways

- a) Residence driveways shall not be less than nine (9) feet or more than twenty-one (21) feet wide at the right-of-way line nor less than thirteen (13) or more than twenty-five (25) feet at the curb line of lots for One-Family or Two-Family Dwellings. (Art. 21, 2024 Spring ATM, 05/09/2024)

- b) Driveways in Residential Multiple, Downtown Mixed Use, Commercial II, Industrial I, Industrial II, Highway Planned Use*, Highway Mixed Use I, Highway Mixed Use II, Highway Mixed Use III**, Limited Commercial, and PCD Districts or serving uses allowed in these districts, shall not be more than forty (40) feet wide at the right-of-way line and fifty (50) feet wide at the curb line unless otherwise specified by the Natick Department of Public Works or the Massachusetts Department of Public Works. Each parcel within these districts, or occupied by such use, will be entitled to two (2) driveways where the property has two hundred (200) feet of frontage or less. Additional driveways may be allowed by special permit by the the Special Permit Granting Authority for lots with greater than two hundred (200) feet of frontage.

(Art. 1 & 3, S.T.M. #1, 3/20/1979)

(*HM - III added: Art. 1 Fall Session A.T.M. 1981)

(*HPU added: Art. 1 S.T.M. #3, October 27, 1981)

(Art. 27, Fall Town Meeting, 10/18/2016)

- c) In all districts the entrance and exit driveways will be located so as to provide for safe access and egress to the parcel being served. In addition, evidence that the necessary driveway permits will be issued by either the Natick Department of Public Works for Town-controlled roads or State Department of Public Works for State-Controlled roads must be presented before a building permit may be issued.
- d) Paving shall not be constructed closer than two (2) foot to the side property line extended without a permit issued under IV-A. 6. of these bylaws. (Art. 27, Fall Town Meeting, 10/18/2016)
- e) Except for such portion of a constructed driveway accessing the traveled way, paving shall not be constructed closer than two (2) feet to the front property line. (Art. 27, Fall Town Meeting, 10/18/2016)

11. Marking

All required parking spaces, except for One-Family and Two-Family Dwellings, shall be marked by painted lines, maintained in good condition, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall be used as necessary to insure efficient traffic flow within the lot. (Art. 21, 2024 Spring ATM, 05/09/2024)

12. Surfacing and Drainage

In all parking areas other than those serving One-Family and Two-Family Dwellings, the following requirements for surfacing and drainage shall apply.

Adequate storm water drainage shall be provided for all off-street parking areas. With respect to off-street parking areas for ten or more vehicles, storm water drainage shall include provision of means to prevent or intercept, collect and/or filter any oil, grease or sediment that may be deposited in such parking area, in accordance with regulations of the Department of Public Works and Board of Health. Within six months of the effective date of this by-law, the Board of Health in accordance with the Department of Public Works shall adopt regulations to administer this by-law. Required parking and truck loading facilities shall have an all -weather surfacing of bituminous concrete or concrete paving maintained in good condition and capable of allowing free and safe movement of all vehicles using the facility. The perimeter of all parking areas shall have a machine-formed curbing at least five inches high or pre-cast concrete bumpers, safety curbs or other protective devices.

The following minimum specifications shall apply to all bituminous concrete paving. It shall be placed in two layers, a binder course to be one and one-half (1 1/2) inches thick after compaction

and a top course one (1) inch thick after compaction, to form a total thickness of pavement equal to two and one-half (21/2) inches after compaction. (Art. 21, 2024 Spring ATM, 05/09/2024)

13. Lighting

Adequate lighting shall be provided in lots of more than ten (10) spaces if off-street parking spaces are to be used at night. However, minimum security lighting must be provided in all lots serving other than One-Family and Two-Family Dwellings. The lighting shall be arranged and installed to minimize glare on adjacent property. If property is not to be used at night, a note to that effect shall be indicated on the plan. (Art. 21, 2024 Spring ATM, 05/09/2024)

14. Truck Loading Space

In the case of hospitals, institutions, hotels, and retail wholesale and industrial buildings space shall be provided for loading and unloading of trucks at the rate of one (1) space not less than four hundred (400) square feet in area for each fifteen thousand (15,000) square feet of floor area or fraction thereof up to a total of thirty thousand (30,000) square feet, and four hundred (400) square feet for each additional thirty thousand (30,000) square feet. Such truck area shall be adjacent to the loading area or doors.

The provision for truck loading space may be waived by the Building Inspector where he determines that such space is not necessary for the operation of a particular use.

15. Buffer Areas

a) General. Any off-street parking or storage area serving other than one (1) and two (2) family dwellings which abuts residentially zoned land shall be separated from such adjoining land by a ten (10) foot buffer area which shall be suitably landscaped and maintained with natural and living materials so as to form an effective year round visual screen at least six (6) feet in height to insulate the residentially zoned land from the off-street parking area. Trees planted in this buffer area shall be at least six (6) feet in height and not less than two (2) inches in diameter immediately after planting. The Special Permit Granting Authority may by special permit allow the use of a fence, wall or other non-living structure to achieve the purpose of this buffer provided that it is determined to be a more effective and suitable buffer than could be provided with living materials. As a minimum all off-street parking and loading areas except those serving one and two family dwellings shall be separated from adjacent properties by a four (4) foot buffer strip planted with grass or similar natural ground cover. However, where adjacent parcels agree to share a common parking area with a common entrance and exit the minimum four (4) foot buffer may be eliminated on all common property lines.

16. Landscaping Adjacent to Right-of-Way

A continuous landscaped strip shall be provided adjacent to the right-of-way line of any street (existing, proposed, paper, public, private) or highway. This landscaped strip shall not be less than ten (10) feet wide in any district and in Highway Mixed Use II, *Highway Mixed Use III, Commercial II, Industrial II and Highway Mixed Use I districts it shall have at least ten (10) feet of width for every one hundred (100) ft. or fraction thereof of frontage up to a maximum required width of fifty (50) feet. In a Highway Planned Use District, the landscaped strip adjacent to the right-of-way shall be at least 85 feet in depth. (Art. 1. S.T.M. #3, October 27, 1981) For other than one and two family uses this strip is to be planted with at least one (1) tree of not less than two (2) inch caliper and at least six (6) feet in overall height immediately after planting for each fifty (50) lineal feet of frontage or fraction thereof. (Art. 1 & 3, S.T.M. #1, 3/20/1979; *HM-III added: Art. 1, Fall Session A.T.M. Oct. 6, 1981)

However, said trees need not be located at fifty (50) foot intervals and may be grouped or arranged anywhere within this buffer area. Bituminous concrete or concrete paving is prohibited in this buffer area except for driveways and sidewalks.

The buffer adjacent to the right-of-way required by this section must be located within the affected parcel and state or local property within the right-of-way may not be used to meet the requirements of this section. However, wherever possible the extension of grass or ground cover into said right-of-way is encouraged.

17. Interior Landscaping

Off-street parking areas which cover 20 per cent or more of the total site area shall have at least ten (10) square feet of interior landscaping for each parking space. As used herein, interior landscaping shall be defined as landscaped islands or areas, exclusive of any other landscaping or buffer areas required elsewhere in these Off-Street Parking and Loading Requirements, which are contained within or project into the paved area of an off-street parking or loading area. Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least five (5) feet, shall be planted with grass or small shrubs, and shall include at least one deciduous tree of not less than two (2) inches in diameter and at least six (6) feet in overall height immediately after planting.

Each such island shall have a five (5) inch curb and may be used to locate hydrants within a parking area.

Whenever possible, such interior landscaping shall be located so as to promote safe and efficient channelization of both pedestrian and vehicular traffic.

18. Existing Landscaping Material

Every attempt shall be made to save as many existing trees as possible on a subject site. Major trees and outlines of wooded areas shall be shown on the required site plan.

19. Administration & Procedure

- a) Permits - Where the requirements of these off-street regulations are applicable, an application for a building or use permit for other than one and two family dwellings must be accompanied electronic copies of an Off-Street Parking and Storage Plan. The Building Inspector shall determine whether such plan is in compliance with the provisions of these Off-Street Parking and Loading Requirements. If the Building Inspector determines that the plan is not in compliance with these Off-Street Parking and Loading Requirements he shall deny the application in writing setting forth his grounds for denial.
- b) Off-Street Parking and Storage Plan - The Off-Street Parking and Storage Plan required by this By-Law shall be drawn to a scale of 1" = 40' or such other scale as the Building Inspector may direct, and as a minimum shall show the following:
 - 1) the quantity, location and dimensions of all driveways, entrances, exits, parking spaces, truck loading and storage areas, sidewalks, and buffer areas;
 - 2) the location, size and type of materials for surface paving, curbing or wheel stops, trees, landscaping, screening, lighting and drainage facilities;
 - 3) the location of all buildings and lot lines; and
 - 4) such other information as the Building Inspector or Special Permit Granting Authority may reasonably require.

Upon issuance of a permit in accordance with these Off-Street Parking and

Loading Requirements, the Building Inspector shall transmit a copy of the approved plan to the Planning Board and the Department of Public Works.

- c) General Provisions - Where necessary for the administration of this section, the Building Inspector may require the owner, operator or occupant of a lot or any building thereon to furnish a statement as to the number of employees customarily working at any one time on the premises. The Building Inspector may at any reasonable time enter upon a lot, or into any building thereon, in order to make such determinations as are necessary for the administration of this Section.
- d) Waivers – Except for the provisions of sections 3. r) through u) and section 5., the Special Permit Granting Authority may waive strict compliance by not more than ten percent (10%) with the requirements of Section V-D. pursuant to a special permit and site plan, provided that the Special Permit Granting Authority determines findings that literal enforcement would cause a substantial hardship or that literal compliance is impractical because of the size, width, depth, shape or the use to which it is to be put, or because a lesser area would, except in unusual circumstances, accommodate the motor vehicles of all persons at any time using the building or less stringent requirements would carry out the other purposes of this Section of because of factors peculiar to the lot or building involved not generally affecting the zoning district in which it is located.

Acceptance of this article shall not be considered acceptance of Chapter 808 of the Acts of 1975 by this Town, and this sentence shall not be severable from the Article.

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V - E WAIVERS AND MODIFICATIONS

1. Purpose and Applicability

- a. The purpose of this section is to establish criteria, limits, restrictions, prohibitions and exemptions for any and all modifications and/or waivers from strict compliance with the dimensional, intensity, use, purpose, objectives, standards and /or requirements, provisions of this zoning by law. Notwithstanding anything else to the contrary in this zoning by law, this section shall apply both to any and all districts and to any and all waivers and/or modifications of dimensional and/or intensity unless specifically exempted or provided for below.
- b. Provided that the SPGA is authorized in the provisions for a particular zoning district to grant modifications and/or waivers from strict compliance with the provisions of this zoning by law in connection with Site Plan Review and /or Special Permits for such zoning district, the SPGA may grant modifications and waivers subject to the permissions, criteria, limitations, restrictions and prohibitions of this Section V-E.
- c. The SPGA may not grant modifications and or waivers for any use in any district unless the provisions for such zoning district in this zoning by law expressly allow for modifications and waivers.
- d. Notwithstanding anything else in this zoning by law to the contrary, no waiver and/or modification may be granted unless either i) specifically exempted in 1.e, 1.f, 1.g, 1h, or 1.i below or ii) specifically complying with V-E 2, 3 and 4 below or allowed below in connection with grants of allowable bonus density or intensity. (Art. 32, Fall TM 10/16/2018)
- e. This section shall not apply to either i) Special Permits granted in conformity with Section 6 of MGL Chapter 40A and Section V-A Nonconforming Uses of this zoning bylaw or ii) variances

granted in conformity with Section 10 of MGL Chapter 40A and section VI- E.3 of this zoning bylaw.

- f. This section shall not apply to sub Section C. Smart Growth Overlay District (SGO District) of Section III-A.6 Affordable Housing of this zoning by law.
- g. This section shall not apply to Section III- A.6.A.2, Section V-D.19 (d) or Section V-I.7
- h. This section shall not apply to Section 329.2 regarding the FAR for redevelopment projects which retain all or any part of prior- existing structures.
- i. This section shall not apply to Section V-J.4.B Density Bonus where necessary to permit any additional unregulated units granted under this section to be constructed on the locus site. (Art. 32, Fall TM 10/16/2018)

2. Criteria and Written Finding

- a. In granting any waiver and/or modification, the SPGA shall first make a specific finding, in writing, that such waiver and/or modification will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located, than if the waiver and/or modification were not granted and further that such waiver is necessary in order to allow or to encourage the purposes for which the district was created.
- b. These criteria shall be in addition to any other criteria applicable to a district.
- c. These criteria shall also be subject to V-E 3. and 4. below.

3. Limitations and Restrictions

- a. No increase greater than 10% shall be allowed in any of the following regulatory factors: height, building coverage, lot coverage, number of units, any density measure, or sky-exposure plane.
- b. No decrease of more than 10% shall be granted in any of the following regulatory factors: open space requirement, landscape surface ratio, front yard setback, rear yard setback or side yard setbacks. Side yard setbacks shall each be measured and considered separately.
- c. Any modifications and/or waivers shall be measured on a cumulative basis such that the 10% limitations and restrictions are i) applied, ii) maintained and iii) never exceeded on a cumulative basis. Any modifications and/or waivers shall be measured and take into account any variances such that any modification and/or waiver, considered and together with any variances, may not exceed the above limitations and restrictions. This provision shall affect only the modification and/or waiver and shall not affect any lawful variance.
- d. The maximum 10% shall be calculated by multiplying the regulatory factor by 1.10 if an increase and by 0.90 if a decrease. The result so calculated shall establish the limit for any regulatory factor modified and/or waived.
- e. Any Special Permit granting modifications and/or waivers shall provide as a condition of such Special Permit for the ongoing maintenance, continuing survival and enforcement of such waived or modified factors as a condition of the Special Permit.
- f. Modifications and or waivers granted in order to allow a grant of additional density or intensity in compliance with i) Section 9 of MGL Chapter 40 A and ii) specific authorizations in other sections of this zoning by law shall not be subject to these strict limitations and restrictions above. However, any regulatory factor that is modified or waived in order to accommodate a grant of additional density or intensity shall not be further modified or waived to exceed the limitations and restrictions above. If any regulatory factor exceeds the above limitations and restrictions in connection with a grant of additional density or intensity, such regulatory factor shall not be further modified and/or waived.

No waiver and/or modification shall be granted if such grant, whether alone or in combination with other factors, increases, contributes to an increase in or facilitates an increase in the otherwise permissible density or intensity of any particular use unless such increase in density or intensity complies fully with the applicable FAR Bonus or Bonus Density provisions of this zoning by law. For the purposes of determining compliance with this Section V-E, this standard shall be applied by considering and measuring the effects of any modification and/or waiver on a specific project on a specific application for a particular use before the grant of any modification and/or waiver. Nothing in this section shall preclude any bonus density section of this zoning by law from imposing its own more restrictive limitations and restrictions on any waivers and/or modifications which are granted for the purposes of allowing bonus density or intensity of use.

4. Prohibitions

- a. No waivers and/or modifications can be granted if the application and/or parcel requests, includes or results in the continuance, extension or alteration of any pre-existing nonconforming use. For the avoidance of doubt, the intent of this provision 4.a) in conjunction with the exceptions in 1e) above is to allow the Zoning Board of Appeals to grant relief in conformity with Section 6 of MGL Chapter 40A and Section V-A Nonconforming Uses of this zoning bylaw and to grant variances in conformity with Section 10 of MGL Chapter 40A and section VI- E.3 of this zoning bylaw but to prohibit i) the Zoning Board of Appeals from granting such relief separate from the provisions of Section 6 of MGL Chapter 40A , Section V- A Nonconforming Uses of this zoning bylaw and Section 10 of MGL Chapter 40A and section VI-E.3 of this zoning bylaw and ii) the Planning Board or other SPGA from granting modifications and /or waivers which include or result in the continuance, extension or alteration of any pre-existing nonconforming use.
- b. No waivers and/or modifications can be granted with regard to FAR Bonus or Bonus Density provisions or Affordable Housing requirements of this zoning by law. No waivers and/or modifications can be granted if the effect of such waiver and /or modification is to grant or to create additional density and/or intensity without strict compliance with Section 9 of MGL Chapter 40A section 9 and the applicable FAR Bonus or Bonus Density provisions of this zoning by law.
- c. No waivers and/or modifications can be granted with regard to minimum lot size, continuous frontage, lot frontage or lot depth.
- d. No waivers and/or modifications can be granted with regard to the purpose, intent, definitions and/or uses specified for any zoning district or with regard to the purpose, intent, definitions or uses of the zoning by law itself.

(Art. 37, Spring ATM, (4/11/2017)

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V - F REMOVAL OF EARTH PRODUCTS

In any district except an authorized sand or gravel pit the removal from the property of soil, loam, sod, peat, sand or gravel is prohibited, except that the removal of said material may be permitted subject to the issuance of a building permit by the Building Inspector and only to the extent of excavating for a building foundation, structure, roadway, driveway, walk, or parking area and only if at least an eight-inch layer of packed loam or the total loam and topsoil excavated in the project, whichever is less, is left covering all regraded area of the lot.

Pre-existing use of premises for the excavation or removal of sand and gravel can be continued and extended throughout the premises. Opening of new sand or gravel pits may be authorized by the Board of Appeals by special permit provided such excavations are not harmful or detrimental to the neighborhood. The Board of Appeals may impose time limitations and may require bonds and a continuation of such special permit may be conditioned upon compliance with the regulations to be made and amended from time to time.

In no case shall said material be removed from the Town. Removal of topsoil other than specifically permitted in this by-law is classified as stripping and is prohibited. (Art. 51 A.T.M. 1974)

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V-G. FLOODING

No land subject to seasonal or periodic flooding by freshet or by surface water during heavy rain in such a manner as to endanger the health or safety of the occupants shall be used for residential purposes, unless the lands are improved to eliminate flooding.

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V-H. SIGNS AND ADVERTISING DEVICES

This by-law is adopted by the Town for the regulation and restriction of billboards, signs, and other advertising devices within the Town.

A. EXISTING SIGNS

Except for such changes, if any, as may be required to satisfy the provisions of subsections C. 1 (b) and C. 2 (c) below, this section shall not require the alteration or removal of any sign lawfully existing within the Town on the date on which this section becomes operative. Any sign, the erection of which has been lawfully begun and carried on in good faith before this section becomes operative, may be completed according to laws and regulations then in force; but shall conform hereto as far as practicable without hardship.

B. DEFINITIONS

1. Sign - Any letter, word, symbol, drawing, picture, design, device, article or subject that advertises, calls attention to or indicates any premises, persons, products, business or activities, whatever the nature of the material and manner of composition or construction.
2. Accessory Signs - Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises or the business transacted on the premises or the sale or letting of the premises or any part thereof, and which contains no other advertising matter.
3. Non Accessory Signs - Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.
4. Standing Sign - The term "Standing Sign" shall include any and every exterior sign that is not attached to a building.

5. Size - In applying the maximum height and width limitations prescribed in this By-Law any intermediary removable surface to which a sign is affixed shall be deemed to be part of the sign.
6. Business - Each separate place of business whether or not consisting of one or more buildings.
7. Roof Sign - Any sign attached to roof framing of the building on which the sign is above the roof level on trusses or legs.

C. REGULATIONS APPLICABLE TO ALL AREAS

1. Illumination

- (a) No sign shall contain any part which moves or flashes or be animated in any way.
- (b) No sign shall be illuminated more than thirty (30) minutes after closing, or before 8:00 A.M. on any day except for signs of business which are legally carrying on business before 8:00A.M. which may be illuminate while said businesses are actually open to receive the public.

Signs identifying police or fire stations and residences of medical doctors, hospitals, nursing homes, and other such signs as the Special Permit Granting Authority may authorize, may be illuminated at other hours if the Board finds that the nature and use of the premises is such that illumination should be permitted in the public interest.
- (c) All illumination of signs must be so arranged as to prevent glare onto any portion of any public way or other adjacent property.

2. Construction and Maintenance

- (a) No sign shall be painted or posted directly on the exterior surface of any wall or roof but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the building. The foregoing, however, shall not prevent installation of an individual letter sign securely affixed to the exterior wall of building.
- (b) The material and construction of any sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and the intermediary surface to the wall of the building shall be in accordance with any applicable provisions of the Building Code of the Town of Natick and, otherwise, with the reasonable requirements of the Building Inspector.
- (c) All signs, together with their structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Building Inspector. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this by-law.

3. Removal

Any sign, together with its structural elements, which advertises or calls attention to any product, business, activities or services which are no longer carried on or sold, whether on, near, or adjacent to the particular premises shall be removed by the owner within thirty (30) days of the date on which the operation ceased.

4. Temporary Signs

During construction of a building or buildings not more than one temporary sign may be erected on the premises where such construction is being carried on, identifying the building or buildings under construction and the builder, the intended occupant, the contractor and/or the architect of such building or buildings. All such signs shall be removed within thirty (30) days after the completion of construction. In no case shall any such temporary sign have a

total area greater than twenty-five (25) square feet or have any part which is more than ten (10) feet above ground.

5. Historic Signs and Markers

Signs and markers signifying historical importance shall not be subject to this bylaw and shall be permitted in all use districts without permit so long as same contain not more than eighth (8) square feet on each exposure. (Art. 5, S.T.M. #1, 1/23/1996)

6. Other Signs

Signs containing matter describing materials for sale, rental or display which are distinguished or characterized by its emphasis on matter depicting, describing or relating to sexual conduct as defined in M.G.L. Chapter 272, Section 31, or which depict, describe or relate to the provision of live entertainment which includes the display of nudity, or which convey the message that an establishment includes the display of nudity or partial nudity by workers in the course of transacting business or delivering services, shall be prohibited in all districts except the RC district. (Art. 48, Spring A.T.M., 4/17/1997)

7. Street Address

Unless specifically waived by the SPGA, any standing sign shall include at the top of the sign the street number or street address in letters not less than six (6) inches high. Such area shall not count against the maximum sign size as defined elsewhere in this By-Law. (Art. 32, Spring ATM, 4/10/18)

8. Term

Special permits issued under Section V-H shall have a term of not more than seven years. (Art. 32, Spring A.T.M., 5/29/2007)

D. REGULATIONS AND RESTRICTIONS APPLICABLE TO USE DISTRICTS

1. Residential (RS, RM, RG, and PCD)

(a) Accessory Signs

1. Residential Uses and Home Occupations: There may be one such sign for each lot, indicating only the name of the owner or occupant, the street number, and a permitted accessory use or occupation in this particular area under this Zoning By-law. Such a sign may be a standing sign but shall not exceed one (1) square foot, or where a Home Occupation is set out, two (2) square feet in total area (Art. 21, 2024 Spring ATM, 05/09/2024)
2. Other Allowed Uses: For those uses that are permitted as of right, by Special Permit, by variance, or pre-existing uses, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions, there may be one such sign for each lot. This may include a standing sign. (Art. 37, Fall ATM, 10/16/2018)
 - a. Dimensions: Such sign may not exceed fifteen (15) square feet in area and may be no more than ten (10) feet in height.
 - b. Illumination: In addition to complying with Illumination regulations in Section V-H.C.1, such sign may not be internally lit. (Art. 31, Spring ATM, 4/10/2018)
3. There may be one temporary unlighted sign on each lot advertising the sale, rental, or construction of the premises provided that such sign does not exceed six (6) square feet in area and shall be removed promptly after such sale, rental, or construction has been effected.
4. No sign attached to a building shall be located nearer to a property line than it is lawful to maintain a building, or project more than six (6) inches in front of any established front line for buildings. Art. 31, Spring ATM, 4/10/2018)

5. No other accessory sign shall be erected or maintained in a residential district.

(b) Subdivision and P.C.D. Signs

A sign bearing the name of any residential or other subdivision or P.C.D. may be erected at an entrance to such subdivision. Such sign shall be located not less than fifteen (15) feet from the layout of any street or lot line. The over-all area of the sign, exclusive of supports, shall not be greater than twelve (12) square feet and said sign may be lettered on both sides. No part of any subdivision sign shall be more than six (6) feet above the level of the roadway nearest the sign location. No subdivision or P.C.D. sign shall be illuminated, nor shall any reflective material be used. The initial permit for any subdivision sign shall be for not more than two years and may be renewed annually upon application. Any sign for which there is no valid permit shall be removed under the authority of the Building Inspector.

2. Downtown Mixed Use District (DM) and Center Gateway District (CG)

(a) Accessory Signs

In Downtown Mixed Use District (DM) and the Center Gateway District (CG) accessory signs that comply with the provisions hereinafter set forth are permitted. All other accessory signs are expressly prohibited. (Art. 24, Spring ATM, 05/02/2023)

1. Location:

The sign shall be affixed to a building, except as hereinafter provided. A sign attached to a building shall be securely affixed to one of the walls of the building and it shall be parallel with and not project more than six (6) inches from the face of such wall and shall not project beyond the face of any other wall of the building.

2. Size:

Letters in a sign shall not be more than two (2) feet in overall height, exclusive of ascenders and descenders, with the total area of the sign not to exceed thirty (30) square feet. (Art. 24, Spring TM, 4/13/2021)

3. Number:

There shall not be more than one exterior sign for each business, except that if the business has a direct entrance into the business in a wall other than the business front, there may be a secondary sign affixed to such wall, and if the business has a wall, other than the business front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the business; provided however, that no business shall have more than two secondary signs in any event. The width of the secondary sign or signs shall not exceed one (1) foot in overall height or fifteen (15) square feet in total area.

In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one (1) square foot for each occupant or tenant in the building.

4. Standing Signs:

Standing signs are prohibited.

(b) Non-Accessory Signs

Non-Accessory Signs are prohibited.

3. Commercial Two (C-II), Industrial One (In-I), Industrial Two (IN-II), Highway Mixed Use - I (HM-I), Highway Mixed Use - II (HM-II), Highway Mixed Use - III (HM-III), Highway Planned Use (HPU), Limited Commercial (LC)

In Commercial Two, Industrial One, Industrial Two and Highway Mixed Use - I, Highway Mixed Use - II, *Highway Mixed Use - III, **Highway Planned Use, and Limited Commercial Areas, accessory signs that comply with the provisions herein set forth are permitted. All other accessory signs are expressly prohibited.

(Art's. 1,3,6, S.T.M. #1, 3/20/1979)

(*HM III added: Art. 1 Fall Session A.T.M. October 6, 1981)

(**HPU added: Art. 1, S.T.M. #3, October 27, 1981)

(a) Accessory Signs where building setback does not exceed Two Hundred (200) feet.

1. Location: A sign attached to a building shall be securely affixed to one of the walls of the building and it shall be parallel with and not project more than twelve (12) inches from the face of such wall and shall not project beyond the face of any other wall of the building. No part of any standing sign shall be located within twenty-five (25) feet of any property line.
2. Size: Letters in a sign shall not be more than two (2) feet in overall height, exclusive of ascenders and descenders, with the total area of the sign not to exceed eighty (80) square feet. (Art. 24, Spring TM, 4/13/21)

A standing sign shall not be more than ten (10) feet in overall height with a total area not to exceed fifty (50) square feet.
3. Number: No business shall have more than one (1) sign affixed to any exterior wall of its place of business nor shall it have more than three (3) signs in all, including one (1) standing sign. There shall be no more than one (1) standing sign on any lot, regardless of the number of businesses or structures which may be located on the lot.

(b) Accessory Signs where building setback exceeds 200 feet.

1. Location: Same as section 3(a) 1 above.
2. Size: Letters in a sign shall not be more than three (3) feet in overall height, exclusive of ascenders and descenders, with the total area of the sign not to exceed eighty (80) square feet except for a standing sign, which cannot be more than ten (10) feet in total height with the total area not to exceed fifty (50) square feet." (Art. 24, Spring TM, 4/13/21)
3. Number: Same as section 3(a) above.

(c) Mall or Theme projects - HPU Districts

1. Arcade or Courtyard signs:

As used herein, the term "Arcade" and "Courtyard" mean pedestrian areas not enclosed within a building in which vehicle traffic does not enter and bordered on at least two sides by buildings: such areas being set back at least 300 feet from the street along which frontage is measured. The Special Permit Granting Authority may allow a reasonable number of project directories, directional signs and business identification signs each not to exceed fifty (50) square feet in area in a courtyard or arcade; in keeping with the architectural, geographic or theme image of a project. Such signs may project from a building into the arcade or courtyard, be suspended from or form free-standing architectural or structural elements of a

project; as well as being affixed to walls of a building or structural element within the arcade or courtyard area; all in keeping with the style and character of a project. Business identification signs shall be limited to the trading name and/or established logotype of a business and shall not include brand name slogans or advertising verbiage, unless such are also the trading name.

2. Exterior signs

In addition to any signs otherwise permitted under this bylaw, signs consisting of the name and/or logotype of a project, which are mounted on a wall of a building or on an architectural or structural element of a project shall not have letters more than three (3) feet in height and shall not exceed 150 square feet in area. In applying these size limitations, only the area of the wall or architectural or structural element encompassed by each individual word or logotype "envelope" shall be deemed to constitute the sign area.

E. ADMINISTRATION

1. Application for Permits - Before the erection, removal, alteration, enlargement or repair (except for ordinary maintenance) of any sign shall begin, the owner or lessee of the premises on which the same is to be erected shall file with the Building Inspector an application in duplicate for a permit, on appropriate forms furnished by the Building Inspector, together with such plans, drawings and specifications as the Inspector may require. An application for a permit shall give the full name, residence and business address of the owner of the property, of the lessee (if any) and of any authorized representatives to whom any notices may be sent. Each application must be accompanied by the written consent of the owner of the premises concerned, or his authorized agent.

2. Issue, Refusal and Revocation of Permits and General Powers of the Building Inspector - The Building Inspector shall within a reasonable time approve or reject any application for a sign filed with the Building Inspector and, if all requirements of this section and of all other applicable laws, by-laws and regulations have been complied with, shall promptly issue a permit for the erection and maintenance of such sign. If, however, such sign contains any electrical devices the exercise of such permit shall be conditional upon receipt by the applicant of prior written approval of such sign from the Town Electrical Inspector given after physical inspection by him of all electrical devices contained in said sign. All of the provisions of Section 1.1.2., as amended, of the Building Code of the Town. Having general application to the issue, publication of notice of, revocation or refusal of Building Permits shall apply to the fullest extent reasonably applicable to the issue, publication of notice of, revocation or refusal of permits for the erection and maintenance of signs.

Signs shall be deemed to be structures subject to all applicable provisions of Sections 1.1.1., 1.2.2., 1.2.3., and 1.2.4. of said Building Code, and to all of the powers thereby granted to the Code, and to all of the powers thereby granted to the Building Inspector with respect to structures.

3. Appeal and Review - Any person aggrieved by the issue or refusal of a permit or approval by the Building or Electrical Inspector 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 By-Law) in rendering a decision upon an application may appeal to the Special Permit Granting Authority within fifteen days after the date of publication of notice of the granting of such permit, of receipt of notice of such refusal, or of the end of said two-week period, by filing a written notice of appeal with the Town Clerk and Community Development office.

The Building Inspector may in writing request the Special Permit Granting Authority for a ruling in any case wherein he is in doubt as to the true intent or application of any part of this section and upon receipt of such request the Special Permit Granting Authority shall promptly determine the true intent and application of any provisions of this section in question.

On receipt of a notice of appeal the Town Clerk shall notify the Special Permit Granting Authority who, after due notice to the parties concerned, shall hold a hearing and shall either affirm, annul or modify the action of the Building Inspector appealed from.

Every decision of the Special Permit Granting Authority hereinunder 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 in the Community Development office and shall be public records and notice thereof shall be given by the Special Permit Granting Authority to the applicant. A copy of each decision of the Special Permit Granting Authority shall be furnished to the Building Inspector. If the Special Permit Granting Authority modifies or annuls any action of the Building Inspector, he shall issue a new permit or ruling in conformity with the decision of the Board without delay.

4. Special Permits - The Special Permit Granting Authority may grant a special permit for a sign not complying with the provisions of this By-Law, if it determines that the particular sign will be in harmony with the general purpose and intent of this section will not be injurious to the neighborhood in which such sign or signs are to be located nor to traffic and safety conditions therein, nor otherwise detrimental to the public safety and welfare.

In granting such permission the Special Permit Granting Authority shall specify the size, type and location of the sign and impose such other terms, restrictions and conditions as it may deem to be in the public interest.

5. Penalty for Violation - In addition to any other remedy granted or penalty imposed by law, whoever being in violation of any provision of this section shall fail to remedy such violation within five (5) days after the receipt of a notice of such violation given by the Building Inspector or the Board of Selectmen (or if such violation cannot reasonably be remedied within five days, shall fail within such period to begin to remedy the same and thereafter continue diligently until such violation is remedied) shall be punished by a fine not exceeding twenty (20) dollars for each such violation, and each day during which such violation shall continue shall be deemed a separate violation.

F. SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

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V-I. OUTDOOR LIGHTING

1. Purpose and criteria

The regulation of outdoor lighting is intended to: enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement the character of the town, reduce glare, minimize light trespass, and reduce the cost and waste of unnecessary energy consumption.

2. Applicability and terminology

- a) The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts but shall not apply to: one and two family dwellings on lots on which they are the principal use, or street lighting, lights that control traffic or other lighting for public safety on streets and ways. When an existing outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation on the lot shall be subject to the requirements of this section.
- b) In addition to the terms defined in Section 200, Definitions, of this Bylaw, the following words, which are technical terms applying to lighting, which are set forth below, shall have the meaning indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 200, Definitions.

COLOR RENDERING INDEX (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.

CUTOFF ANGLE: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

DIRECT LIGHT: Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE: The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

FULLY-SHIELDED LUMINAIRE: A lamp and fixture assembly designed with a cutoff angle of 90 degrees, so that no direct light is emitted above a horizontal plane.

GLARE: Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

HEIGHT OF LUMINAIRE: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

INDIRECT LIGHT: Direct light that has been reflected off other surfaces not part of the luminaire.

LAMP: The component of a luminaire that produces the actual light.

LIGHT TRESPASS: The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

LUMEN: A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this Bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE: A complete lighting system, including a lamp or lamps and a fixture.

3. LIGHTING PLAN

Wherever outside lighting is proposed, every application for a building permit, a special permit, a special permit with site plan review, a variance, or an electrical permit, shall be accompanied by a lighting plan which shall show: the location and type of any outdoor lighting luminaires, including the height of the luminaire; the luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles; the type of lamp such as: metal halide, compact fluorescent, high pressure sodium; a photometric plan showing the intensity of illumination at ground level, expressed in foot candles; and that light trespass onto any street or

abutting lot will not occur. This may be demonstrated by manufacturer's data, cross section drawings, or other means.

4. CONTROL OF GLARE AND LIGHT TRESPASS

- a) Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
- b) All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices as are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
- c) Paragraph a), above, shall not apply to any luminaire permitted by a SPGA and intended solely to illuminate any freestanding sign or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign or building.

5. LAMPS

- a) Color: Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI) as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.
- b) Height of Luminaire: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.

6. HOURS OF OPERATION

Outdoor lighting shall not be illuminated between 11:00 pm and 6:00 am with the following exceptions: if the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half-hour after the activity ceases. Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.

(Art. 36, Fall TM, 10/16/18)

7. SPECIAL PERMITS

In accordance with Section 3, the special permit granting authority (SPGA), may grant a special permit modifying the requirements of this Section, provided it determines that such modification is consistent with the objectives set forth in section V-I, 1., in the following cases: where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists; where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas; where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation; where it can be demonstrated that for reasons of the geometry of a lot, building, or structure, complete shielding of direct light is technically infeasible. Special permits issued under this section will have a term of seven years unless otherwise specified by the SPGA. (Art. 32, S.T.M. 5/29/2007)

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SECTION V-J INCLUSIONARY HOUSING

1. PURPOSE AND INTENT

The purpose of the Inclusionary Housing Bylaw is to serve as a mechanism for the creation and retention of housing that is affordable to eligible households. Section V-J, in concert with Natick's long range planning documents and the Natick Housing Production Plan intends

- a. To ensure that all residential development or redevelopment project with five or more new dwelling units contributes to the creation of affordable housing; and
- b. To ensure that such affordable housing is made available to all eligible households on a non-discriminatory basis in accordance with the Federal Fair Housing Act of 1968 and MGL, c. 151, as amended, and any regulations promulgated under federal and state law.

2. APPLICABILITY

- a. The provisions of Section V-J shall apply to any proposed development or redevelopment project that includes residential dwelling units, located on one or more contiguous parcels.
 - i) Any Residential Project, including those that are Phased or Segmented Housing Developments, that results in five (5) or more new dwelling units; or
 - ii) A Residential Mixed-use Development that results in five (5) or more new residential units; or
 - iii) Any Residential Project, Assisted Living Residence, or life care facility development that creates five (5) or more new assisted living units and accompanying services.
- b. Each affordable housing unit shall comply with state Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) and LIP Guidelines for units not created under a MGL c 40B comprehensive permit.
- c. The creation of two (2) or more Accessory Dwelling Units (ADU) on a Lot. (Art. 20, Fall ATM, 10/17/2024)

3. MANDATORY PROVISION OF AFFORDABLE UNITS

- a. An applicable Residential Project shall contribute to the local stock of affordable units in accordance with the following requirements:
 - i. All projects with a residential component shall provide the following:
 - a) Projects in the DM and CG Zoning District shall provide a minimum of ten (10) percent of the total Residential Dwelling Units as affordable. (Art. 24, Fall ATM, 10/17/2024)
 - b) All projects, except for the DM and CG Zoning Districts shall provide a minimum fifteen (15) percent of the total newly created units as affordable. (Art. 24, Fall ATM, 10/17/2024)
 - c) All ADU projects that create two (2) or more ADUs on the same lot shall provide that one (1) ADU created beyond the first (As of Right) ADU on the lot shall be affordable by a deed restriction, recorded in the Middlesex South Registry of Deeds. (Art. 20, Fall ATM, 10/17/2024)
 - ii. Methods to satisfy the affordability component required for a Residential Project, subject to approval by the Planning Board:
 - a) constructed or rehabilitated on the locus of the Residential Project;

- b) provide a fee-in-lieu for the construction of dwelling unit(s);
 - c) some combination of the above.
- iii. Fulfilment of Inclusionary Housing Component
Residential Projects, shall comply with Section V-J as follows:
- a) Residential units created under § III-A.6.A, § III-A.6.B, § III-E, § III-EE, and § III-I shall provide affordable units as outlined above in § V-J.3.a.ii.a). (Art. 24, Fall ATM, 10/17/2024)
 - b) Projects created under §III.F and §III.J may opt to use the methods outlined above in § V-J.3.a.ii.a), b), or c). (Art. 24, Fall ATM, 10/17/2024)
 - c) Projects created under § III-M shall utilized the created ADUs on the Lot. (Art. 20, Fall ATM, 10/17/2024)
- iv. Required affordable units shall be rounded up to the nearest whole number.

4. PROVISIONS APPLICABLE TO AFFORDABLE DWELLING UNITS ON-SITE

- a. Affordable units On-site
On-site affordable units shall be distributed proportionately within the development so as not to be in less desirable locations than Unregulated Dwelling Units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the Unregulated Dwelling Units.
- b. Minimum design and construction standards for on-site affordable units
Affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction Standards for LIP specified by the DHCD in the LIP Guidelines. Affordable dwelling units shall be integrated with the rest of the development, shall be proportionately distributed in terms of unit size/type and shall be comparable in exterior design, appearance, construction, and quality of materials with other units. Interior features of affordable units shall contain, at a minimum, complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, a microwave oven, and access to laundry facilities. The interior finishes and features of affordable units may differ from those of Unregulated Dwelling Units, provided that such finishes and features are durable, of good quality and consistent with current standards for new housing. The Planning Board reserves the right to consult with the Building Commissioner to verify the durability and quality of interior finishes proposed by the applicant and to require changes to better achieve comparability of units. All affordable dwelling units shall have an equivalent level of accessibility as that of the Unregulated Dwelling Units.
- c. Timing of construction or provision of affordable units on-site
Affordable dwelling units shall be provided coincident to the development of Unregulated Dwelling Units, but in no event shall the development of affordable units be delayed beyond the schedule noted below. Fraction of units shall be rounded up to the next whole number.

Unregulated Dwelling Units (% Complete)	Affordable Housing Unit (% Required)
<30%	--
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

5. CALCULATION OF FEES-IN-LIEU FOR AFFORDABLE DWELLING UNITS

- a. A fee in-lieu shall be calculated for the sales price of an affordable unit per the combined total of the prorated land cost and total cost of construction of the median unit in the project.

6. RESTRICTIONS

a. Local Initiative Program (LIP)

All affordable dwelling units shall be subject to an affordable housing restriction and a regulatory agreement per LIP of Department of Housing and Community Development. The LIP will ensure that affordable units are affordable in perpetuity, and shall ensure that affordable units can be counted toward the Natick Subsidized Housing Inventory (SHI).

b. Local Preference

Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered for one hundred and eighty (180) days in the following priority, to:

- i. Persons who currently reside within the Town of Natick;
- ii. Persons who are employed by the Town of Natick;
- iii. Persons who are employed by businesses located within the Town of Natick.

c. Marketing Plan for Affordable Units

Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its Housing Production Plan to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

d. Condominiums

Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.

e. Legal Review

All legal documents, including but not limited to affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

f. Building Permits

No occupancy permits shall be issued for any unit in the development until the Building Commissioner receives verification that the required deed riders and LIP has been approved by DHCD and the Town Administrator, or designee, and has been recorded with the Middlesex South Registry of Deeds, and that the affirmative fair housing market plan, has been approved by DHCD.

7. COMPLIANCE

The provisions of Section V-J shall be considered supplemental to existing Zoning Bylaw except for the provisions of Section III-A.6.C (Smart Growth Overlay (SGO)). Wherever a conflict exists between two sections, this Section V-J shall prevail.

8. SEVERABILITY

If any provision of Section V-J is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any

section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw. (Art 32 Fall TM, 10/16/18)

(Art. 24, Spring ATM, 05/02/2023)

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SECTION VI – ADMINISTRATION

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SECTION VI - ADMINISTRATION

VI-A ENFORCEMENT

This bylaw shall be enforced by the Building Inspector. No action taken under the enforcement powers of this bylaw shall be in contradiction to the provisions of Chapter 40A, General Laws as adopted or amended.

No lot shall be changed in size, shape or ownership so that the area, minimum yard dimensions, maximum percent of building coverage, off-street parking or open-space requirements herein prescribed are no longer satisfied, except to the extent that any such change may result from the acquisition by the Town through voluntary conveyance or taking of a part of such lot for a public purpose. Any land voluntarily conveyed to the Town for a public purpose by an owner of a lot in a P.C.D. District, whether such conveyance occurs prior to or after completion of the development of such lot, shall be taken into account in determining compliance with the intensity regulations of SECTION IV - B hereof. (Art. 1 S.T.M. June 17, 1969)

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VI-B REPETITIVE PETITIONS

No proposed change in this bylaw which has been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within two years after the date of such unfavorable action unless adoption of the proposed change is recommended in the final report of the Planning Board.

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VI-C BUILDING OR USE PERMIT

No building shall be constructed or reconstructed and no use of a building or land shall be begun or changed without a permit having been issued by the Building Inspector. No such permit shall be issued until such construction, alteration, or use, as proposed, shall comply in all respects with the provisions of this bylaw or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimension of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this bylaw. A record of all applications, plans, and permits shall be kept on file by the Building Inspector. Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction is continued through to completion as continuously and expeditiously as is reasonable. (Art. 1, S.T.M. #2, Oct. 10, 2000 – delete subparagraph 1 (Planning Board Apartment Site Review))

VI-D CERTIFICATES OF OCCUPANCY

No premises and no building or structure erected, altered, or in any way changed as to the construction or use, under a permit or otherwise, shall be occupied or used without a Certificate of Occupancy, signed by the Building Inspector. No such occupancy permit shall be issued until the following departments or inspectors have approved of the construction in writing on a form devised by the Building Inspector.

1. **Fire Department** - to assure compliance with state and local fire regulations and statutes.
2. **Health Department** - to assure compliance with state and local public works regulations and statutes.
3. **Public Works** - to assure compliance with state and local public works regulations and statutes.
4. **Wire Inspector** - to assure compliance with state and local electrical regulations and statutes.
5. **Plumbing Inspector** - to assure compliance with state and local plumbing regulations and statutes.
6. **Building Inspector** - as to all other phases of construction and as to compliance with state and local building regulations and statutes.
7. **Board of Assessors** – to facilitate compliance with state and local laws and regulations regarding assessment and taxation of real property including improvements thereto. (Art. 17, A.T.M. – Oct. 21, 2008)

In the event the Building Inspector refuses to grant approval of said construction or alteration, he shall state the reason for his refusal in writing to the applicant of such occupancy permit.

In the event any of the above remaining departments or inspectors refuse to grant approval of said construction or alteration, said department or inspector shall state the reasons for its or his refusal in writing to the applicant of such occupancy permit and a copy of same shall be given to the Building Inspector. Such Certificates of Occupancy shall not be issued to the premises, building or structure, unless its uses and accessory uses comply in all respects with the bylaw. A record of all applications and Certificates of Occupancy shall be kept on file by the Building Inspector.

The Inspectors and Departments mentioned above in this bylaw shall report their findings within a reasonable period to the Building Inspector.

(Art. 66 A.T.M. 1974)

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VI-DD Special Permit and Site Plan Review

Natick is committed to providing a clear, consistent, comprehensive review of projects that trigger the requirements of § VI-DD Special Permit and Site Plan Review procedures. The purpose of § VI-DD is to set expectations for project review while providing an opportunity to mitigate the impacts of the project both on and off-site.

1. Special Permit Procedures

a. Authority

The Special Permit Granting Authority (“SPGA”) shall be the Planning Board or the Zoning Board of Appeals (“ZBA”) as prescribed herein.

- i. The Planning Board shall be the SPGA in all Zoning Districts and Overlay Districts, except in the Limited Commercial (LC) Zoning District.
- ii. The ZBA shall be the SPGA in the LC Zoning District.
- iii. Where an activity or use requires both Site Plan Review and one (1) or more Special Permit(s) the Planning Board shall serve as the SPGA, and conduct such reviews concurrently.

b. Application Materials

A Special Permit application shall be filed in accordance with the rules and regulations of the SPGA.

c. Review Criteria

The SPGA shall evaluate a Special Permit application based the following criteria, in addition to criteria, which may be specifically provided for elsewhere in these Zoning Bylaws. The determinations shall be made separately for and indicate consideration of each of the following criteria:

- i. The site and immediate area is appropriate for such a use, structure, or condition.
- ii. The use, structure or condition will not adversely affect the neighborhood.
- iii. The use, structure or condition will not be a nuisance or cause hazard to vehicles or pedestrians.
- iv. The site has access to adequate and appropriate facilities to ensure proper operation of the proposed use, structure or condition.
- v. The adverse impacts are adequately mitigated, which may require improvements to public infrastructure, roadways, and environmental impacts.
- vi. The use, structure, or condition exceeds the minimum design standards outlined in the SPGA's rules and regulations.

d. Waiver

The SPGA at its discretion, may waive technical or submittal requirements of a Special Permit application, by a four-fifths (4/5) super-majority vote, where the SPGA finds such requirements are not appropriate or relevant for the evaluation of the project. All applicants seeking waiver requests shall provide a detailed description of the need for relief from the technical or submittal requirement.

e. Review Procedures

All uses that require a Special Permit shall be subject to the following procedures outlined herein.

- i. **Public Hearing**
A public hearing shall be required conducted by the SPGA within sixty-five (65) days after the submittal of a complete Special Permit application. The SPGA shall give notice and hold a public hearing in accordance with MGL c. 40A, §9 and 11.

- ii. Pre-Application Review
Applicants are strongly encouraged to meet with the Development Review Team (DRT) prior to an application submittal.
- iii. Peer Review Consultant
The SPGA may require the applicant to fund a Peer Review Consultant to assist in the technical review of the proposal in accordance with the Planning Board Rules and Regulations and MGL c. 44, § 53G.
- iv. Decision
The SPGA shall render a decision in accordance with MGL c. 40A, §9.

f. Administration

- i. The SPGA shall establish and periodically amend rules and regulations related to the administration of this Section, submittal requirements, and design standards.
- ii. The SPGA shall establish and periodically amend a schedule of fees for all applications under this Section. Applications shall only be deemed complete if all associated fees are paid.
- iii. No building permit shall be issued for any application that requires a Special Permit unless the SPGA has rendered a decision for the project in accordance with this Section.

g. Modification

Any modification to an approved Special Permit requires prior approval from the SPGA, Building Commissioner, Town Engineer, or Chief of Fire, as outlined herein.

- i. Technical Modification: The Building Commissioner, Town Engineer, Fire Chief, or their authorized designee may approve modifications that have been identified to protect or improve public safety. A letter from the respective Town Official shall be provided to the SPGA and incorporated into the project file.
- ii. Minor Modification: The SPGA during an open public meeting, may grant approval for a minor modification. Minor Modifications are modifications to a previously approved Special Permit that do not trigger Site Plan Review; and does not change a use, structure, or condition in a way that is not consistent with the previous approval.
- iii. Major Modification: If the SPGA, in its review, determines that a requested Minor Modification constitutes a Major Modification due to the scope of the project requiring additional reports or plans, review by the DRT, or modifications to a site plan not deemed a field change. Then the modification shall require the submission of an application for an amendment requiring a new public hearing pursuant to MGL c. 40A, §9 and §11.

h. Extension of Time

Prior to the expiration of a Special Permit, an applicant may request an Extension of Time. The applicant must show good cause for such request and, in the case of a permit for construction, if construction was not begun by such date, expect for good cause. A request for an Extension of Time shall follow the procedures in accordance with MGL c. 40A, §9 and §11.

i. Expiration

Pursuant to MGL c. 40A, §9, a Special Permit shall lapse within three (3) years, not including such time required to pursue or await the determination of an appeal as referred to in MGL c. 40A, §17, if the permit has not been acted upon as determined by the Building Commissioner.

j. Repetitive Application

No application for a Special Permit that has been unfavorably and finally acted upon by the Planning Board shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the Planning Board by a four-fifths (4/5) super-majority vote finds specific and material changes in the conditions upon which the previous unfavorable action was based.

2. Site Plan Review Procedures

a. Authority

The Planning Board or its designee, as prescribed herein, shall follow the procedures in §VI-DD.2. Where an activity or use requires both Site Plan Review and one (1) or more Special Permit(s) the Planning Board shall conduct such reviews concurrently.

b. Exempt from Site Plan Review

Site Plan Review or Limited Site Plan Review shall not apply to:

- i. Any construction or modification to an As of Right One- or Two-Family Dwellings on an individual lot.
- ii. Any construction of a new building or facility of 500 or less gross square feet;
- iii. Any expansion of an existing building or facility that results in a net increase of 500 or less gross square feet;
- iv. Any construction of a new off-street parking area of five (5) or fewer spaces or modification to an existing off-street parking areas that results in five (5) or fewer net spaces;
- v. Any new or update to existing signage that is compliant to §V-K; or
- vi. Any façade modification to a building or facility that does not modify structural features, impede emergency access, or significantly or materially expand the building or facility dimensions.

c. Applicability

§VI-DD.2 shall apply to all proposed construction projects or modifications of previously reviewed outlined herein.

i. Site Plan Review

Site Plan Review and approval shall be conducted by the Planning Board, as outlined in the Planning Board Rules and Regulations, as amended, for the following projects

- a) A change in use of a property that requires Special Permit review and but does not trigger Limited Site Plan Review;
- b) Construction of a new off-street parking area of six (6) or more spaces or modification to an existing off-street parking area that results in six (6) or more net spaces;

- c) Construction of a nonresidential building or facility of five-hundred (500) or more gross square feet or the expansion of such building or facility by five-hundred (500) or more net gross square feet;
- d) Construction or expansion of a Multi-Family Dwelling or Structure, Mixed-use Residential Development, or Mixed-use Development;
- e) Any project subject to the provisions of Inclusionary Housing Bylaw, Historic Preservation Bylaw, and Open Space Cluster Development (OSRD) Bylaw;
- f) Medium-scale Ground-mounted Solar Energy Systems;
- g) Any project with a new or existing drive-thru facility; or
- h) All Marijuana Establishments (Marijuana Retailers, Marijuana Cultivators, and Marijuana Product Manufacturers).

ii. Limited Site Plan Review

Limited Site Plan Review shall apply to any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exception under MGL c. 40A, § 3, paragraphs 2 and 3, as determined by the Building Commissioner, except where exempt by § VI-DD.2.b.

iii. Site Plan Review Modification

A request in modification of a construction project that has undergone Site Plan Review or Limited Site Plan Review approval, where the proposed changes are determined by the Building Commissioner to be material and significant to require additional review by Planning Board, shall be subject to Site Plan Review Modification.

d. Application Materials

Submittal requirements for an application per §VI-DD.2 shall be outlined in the Planning Board Rules and Regulations, which shall prescribe the form and content of all applications, plans, documents, reports, and other relevant materials to be reviewed and considered by the Planning Board.

e. Review Criteria

Each project that requires review per §VI-DD.2 shall be evaluated based on the following respective Review Criteria. Projects shall be designed to protect the safety, public health, and common good of the Natick and its environment. The considerations enumerated herein shall be the Review Criteria by which the Planning Board renders a decision for the applicable type of review per §VI-DD.2.

i. Site Plan Review

All projects that require Site Plan Review shall be evaluated on the following:

- a) the layout and arrangement of one or more buildings;
- b) the arrangement and quality of landscaping and open areas;
- c) the design of the streetscape and transitioning between abutting properties;
- d) The protection and mitigation of adjoining premises against detrimental impacts (surface water drainage, light, sound and sight buffers and preservation of views, light, and air);
- e) the provision of vehicular access, parking, and circulation;

- f) the accommodation of non-vehicular/multi-modal access and circulation;
 - g) the management of emergency service and loading/delivery operations, access, and circulation;
 - h) the location, and arrangement of municipal, public, and private infrastructure and utilities;
 - i) the provision of stormwater management features and measures;
 - j) the protection and management of surface and ground water;
 - k) the management of solid waste and snow removal;
 - l) the development of a sustainable, climate sensitive, and environmentally conscious site;
 - m) site and building security and fencing;
 - n) site lighting;
 - o) site and building signage locations; and
 - p) other aspects of site design that may be reasonably within the spirit and intent of this section and the purview of the Planning Board.
- ii. **Limited Site Plan Review**
 Projects deemed to meet the provisions of MGL c. 40A, § 3 as determined by the Building Commissioner, shall be evaluated on the following
- a) Bulk and height of structures;
 - b) Yard sizes and setbacks;
 - c) Lot area and building coverage; and
 - d) Off-street parking (parking, circulation, lighting, landscaping, and stormwater)
- iii. **Site Plan Review Modification**
 Projects that have undergone Site Plan Site or Limited Site Plan Review approval, deemed the by the Building Commissioner to require Site Plan Review Modification, shall be evaluated on the following
- a) Impact of the modification to site circulation and emergency services;
 - b) Impacts to the site relative to dimensional requirements;
 - c) Impacts to open space, stormwater, and landscaping; and
 - d) Impacts to Review Criteria, outlined in § VI-DD.2.e.i (Site Plan Review) or § VI-DD.2.e.ii (Limited Site Plan Review).

f. Review Procedures

All construction projects requiring review per §VI-DD.2 shall be subject to the following procedures outlined herein.

- i. **Public Hearing**
 The Planning Board shall conduct a public hearing when a project requires review by the Planning Board. The public hearing shall be advertised only one time in a local newspaper no less than one (1) week and no more than two (2) weeks prior to the public hearing. Notice shall be sent to all landowners within three-hundred (300) feet of any lot upon which the project is proposed and said notice shall be filed and posed in accordance with MGL c. 30A, §20(c).
- ii. **Pre-Application Review**

Applicants are strongly encouraged to meet with the Development Review Team (DRT) prior to an application submittal.

- iii. Peer Review Consultant
The Planning Board shall determine if a peer review consultant, per MGL c. 53G is required prior to the close of the first public hearing.
- iv. Decision
The Planning Board shall render its decision generally within sixty (60) days for Limited Site Plan Review; one-hundred and twenty (120) days for Site Plan Review; and Site Plan Review Modifications shall be rendered by the Planning Board within a reasonable time dependent on the scope of modifications.
- v. Special Permit Coordination
Notwithstanding the general decision periods outlined above, where a construction project requires Site Plan Review and one or more Special Permits, the Planning Board shall conduct a coordinated, comprehensive review of the project and shall render its Site Plan Review decision concurrently with the Special Permit decision(s), unless otherwise agreed upon with Applicant.

g. Administration

- i. The Planning Board shall establish and periodically amend rules and regulations related to administration of §VI-DD.2, submittal requirements, and design standards.
- ii. The Planning Board shall establish and periodically amend a schedule of fees for all applications under this Section. No application shall be deemed complete unless all associated fees are paid.
- iii. No building permit shall be issued for any construction project subject to review per §VI-DD.2 unless the Planning Board has rendered a decision on said project in accordance with §VI-DD.2 of the Bylaw.
- iv. A Site Plan Approval shall lapse within three (3) years, not including such time required to pursue or await the determination of an appeal as referred to in MGL c. 40A, §17, if the permit has not been acted upon as determined by the Building Commissioner.

h. Waiver

The Planning Board, at its discretion, may waive technical or submittal requirements of Site Plan Review, Limited Site Plan Review, or Site Plan Review Modification application, by a four-fifths (4/5) super-majority vote, where the Planning Board finds such requirements are not appropriate or relevant for the evaluation of the project. All Applicants seeking waiver requests shall provide a detailed description of the need for relief from the technical or submittal requirement.

(Art. 23, 2024 Spring ATM, 05/09/2024)

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VI-E BOARD OF APPEALS

The Select Board 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 Select Board 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.

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)

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VI-EE PLANNING BOARD AS SPECIAL PERMIT GRANTING AUTHORITY

There shall be a Special Permit Granting Authority consisting of the five (5) members of the Planning Board. The Chair, Vice Chair and Clerk of the Planning Board shall serve in a similar capacity with respect to its activities under this section. The Planning Board acting as a Special Permit Granting Authority shall adopt rules, not inconsistent with the provisions of these Bylaws and Chapter 40A of the General Laws for the conduct of its business hereunder.

1- Powers:

The Planning Board, acting as a Special Permit Granting Authority, may hear and decide applications for site plan approvals, and grant special permits as is provided for elsewhere in this Zoning By-Law. (Art. 9, 1991 Fall ATM)

2- Associate Member:

- (a) There shall be one Associate Member of the Planning Board who shall be elected to serve a term of five years.
- (b) Within thirty (30) days after the Town is notified that this subsection is approved, or within thirty (30) days after this subsection becomes effective without action by the Attorney General, the Board of selectmen and the Planning Board, sitting together for such purpose, shall appoint the first Associate Member by majority vote of its membership, to serve until the next regular Spring Annual Election, at which time the appointment shall expire and the position shall thenceforward be filled by election. Notwithstanding the expiration of such appointment, the Associate Member so appointed shall continue to serve on any matter on which he or she was designated to serve until such matter is decided.
- (c) In the event of a vacancy in the position of Associate Member the position shall be filled for a period ending at the next regular Spring Annual Town Meeting, in the same manner as in the case of the original appointment. In such case, election shall be for the balance of the unexpired term.
- (d) The Chair of the Planning Board may require such Associate Member to be in attendance at special permit hearings, and may designate such Associate Member to sit on the Board for the purpose of acting on a special permit application, the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board, or in the event of a vacancy on the Board.

(Art. 9, 1991 Fall ATM)

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VI-F PENALTY

Any person violating any provisions of this bylaw, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals or the Planning Board, may be fined not more than two hundred dollars for each offense. Each day that such violation continues shall constitute a separate offense. (Art. 25, Spring ATM, April 19, 2005)

Whoever violates any provision of these Zoning By-Laws, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals or the Planning Board, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in Massachusetts General Laws Chapter 40, Section 21D. A noncriminal disposition under this provision shall not preclude further judicial proceedings regarding continuing violation of the Zoning By-Laws beyond the date of said noncriminal disposition. (Art. 24, Spring ATM, April 19, 2005)

VI-G AMENDMENT

Hearings. It shall be the duty of the Planning Board, upon petition signed by the owners of fifty percent in valuation of the property contained in the area of any entire block, and it may proceed upon its own initiative, to appoint and hold a public hearing, of which it shall give at least fifteen days published notice, for the consideration of amendments altering the boundaries of any district established by this bylaw, or the regulations applied to the same, or proposing the creation of new districts.

This bylaw may be amended from time to time in accordance with provisions of Section 6 of Chapter 40A, Massachusetts General Laws.

Reports. The Planning Board shall report to the Town its recommendations in regard to any proposed amendments to the bylaw that are brought before a Town Meeting for action.

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VI-H VALIDITY

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

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VI-I REPEAL

These Zoning Bylaws and the repeal of all Zoning Bylaws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred or any suit, prosecution or proceeding pending at the time they take effect.

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VI-J EFFECTIVE DATE

All Zoning Bylaws heretofore in force shall be repealed and these Zoning Bylaws shall become effective when the latter are approved and published as required by statute.

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VI-K DESIGN REVIEW BOARD (DRB)

1. Purpose and Intent

The Design Review Board (DRB) is an advisory board to the Planning Board and the Zoning Board of Appeals (ZBA). The DRB was established to aid in the review of the architectural (façade and landscaping) design of a project. It is the intent of the DRB to utilize good design practices of current architecture, while supporting the preservation historic and symbolic past architectural styles of the past that exist within the immediate area.

2. Design Review Board Composition

The DRB shall be appointed jointly by the Planning Board and the Select Board, and will consist of five (5) Town residents as follows:

- a. A member of the Planning Board or designee;
- b. A person appointed by the Planning Board qualified by training and experience in landscape design;
- c. A person appointed by the Planning Board qualified by training and experience in architecture design;
- d. A person appointed by the Select Board who serves on the Historical Commission or Historic District Commission;
- e. A person appointed by the Select Board who serves on the Community Preservation Committee (CPC) or Natick Center Associates.

Members of the DRB shall serve for three (3) years or until their successors are appointed.

3. Authority

The DRB shall review and provide recommends for development projects as outlined in these Zoning Bylaws.

- a. DRB Recommendations to the Planning Board
The DRB shall provide review and recommendations to the Planning Board for projects in the Downtown Mixed-use (DM) and Center Gateway (CG) Zoning Districts, in addition to projects utilizing § III-J Historic Preservation of these Zoning Bylaws.
- b. DRB Recommendations to the Zoning Board of Appeal
The DRB shall provide review and recommendations to the Zoning Board of Appeals (ZBA) for Chapter 40B, Comprehensive Permits.

4. Design Criteria

The DRB shall provide review and guidance as outline below:

- a. Preservation and Enhancement of Landscaping
The landscape shall be preserved in its natural state, insofar as practicable. Projects shall be designed to minimize the loss of healthy and non-invasive plantings. Recommendation(s) include but are not limited to
 - i. Native and non-invasive planting recommendations
 - ii. Preservation of open space or community outdoor space
 - iii. Areas for natural landscaping and areas for private community space (balconies, courtyards, etc.)
 - iv. Utilization of softscape, hardscape, and buffers
- b. Relation of Buildings to Environment
The project shall be designed to harmoniously flow with the existing topography of the area, so that the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. Recommendation(s) include but are not limited to bulk, height, scale, street façade, rhythm of solids and voids, spacing of buildings, materials (textures and color), roof slopes.
- c. Pedestrian Experience
The Lot (for both landscaped and usable area) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons utilizing, passing by, and overlooking (from nearby properties) the project.

- d. Signs and Advertising Devices
The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with architectural features of existing and proposed buildings and structures and with surrounding properties.
- e. Heritage
Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f. The Design Review Board may, in its discretion, determine and apply additional Design Guidelines that further the purposes of the applicable zoning district in which the project is located.

5. Administration

- a. Design Guidelines
The DRB shall develop and submit Design Guidelines to the Planning Board and the ZBA. The Planning Board or the ZBA shall establish and periodically amend Design Guidelines related to administration of §VI-K of these Zoning Bylaws, which shall be adopted by the Planning Board or ZBA, and incorporated into the respective documents:
 - i. Planning Board – Planning Board Rules and Regulations
 - ii. Zoning Board of Appeals (ZBA) – Town of Natick Comprehensive Permit Rules of the Zoning Board of Appeals
- b. Project Review
The DRB, at the request of the Planning Board or the ZBA, shall conduct its review during public meeting.
- c. Written Correspondence
 - i. Public Meeting Summary
When a public review of a project requires more than one (1) meeting. The Chair or Clerk of the DRB shall provide the Planning Board or the ZBA with a written summary of a public meeting, which will include a list of the materials reviewed within thirty (30) days of the public meeting.
 - ii. Project Review Report
Upon completion of DRB review, the DRB shall provide written recommendation to the Planning Board or ZBA. The Report will outlining how the project complies with § VI-K .4 and .5 of these Zoning Bylaws, in addition to providing a list of the final documents that the recommendation is based upon.

(Art. 24, Fall ATM, 10/17/2024)

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ZONING BYLAWS
Town of Natick, Massachusetts
November 2025