

**2017 Spring Annual Town Meeting
Fine and Performing Arts Center
Natick High School
May 11, 2017
Seventh Session**

The Seventh Session of the 2017 Spring Annual Town Meeting was called to order at 7:50 PM by Town Moderator, Frank W. Foss after adjournment of the second session of the 2017 Special Town Meeting #1.

The Moderator announced that Town Meeting will take up Articles 33-36 to begin this session. Town Meeting will begin with Article 34.

ARTICLE 34: Amend the Natick Zoning Bylaw to Create an Assisted Living Option Overlay District (ALOOD) (1) (Richard Glaser et al)

To see if the Town will vote to amend the Natick Zoning Bylaw to create an Assisted Living Option Overlay District (ALOOD) limited to residential zoning districts, including but not limited to:

1. specifying the purpose and objectives of such ALOOD;
2. setting any and all dimensional and intensity regulations, including a requirement for minimum size of any parcel or parcels included in the ALOOD, for such ALOOD;
3. specifying whether uses within such ALOOD shall require a Special Permit and which Town board shall be the Special Permit Granting Authority;
4. specifying the authority of the Special Permit Granting Authority to grant waivers or allow modification of dimensional or intensity regulations and the criteria for such waivers and/or modifications;
5. establishing requirements for the provision of Open Space or Open Space Public Benefit Amenity for any parcel or parcels included in the ALOOD;
6. establishing such other requirements as the Town deems appropriate for uses allowed within the ALOOD; and take any other action consistent with the creation of this ALOOD, or otherwise act thereon.

1. Amend Article I by adding:

Section 110 – PURPOSE OF ASSISTED LIVING OPTION OVERLAY DISTRICT (ALOOD)

Within the purposes expressed in Section 100 of this Bylaw and in General Laws Chapter 40 A the particular intent of these Bylaws with respect to establishing an Assisted Living Option Overlay District (ALOOD) is to provide a residential environment within residentially zoned districts that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community, including individuals with specialized needs due to cognitive or other impairments, by offering supervision and/or assistance with basic activities of daily life.

2. Create New section III-K to be added to Zoning Bylaw after the existing Highway Overlay District Sections:

Section III-K ASSISTED LIVING OPTION OVERLAY DISTRICT (“ALOOD”)

1. **APPLICABILITY:** An applicant may seek a Special Permit for the redevelopment of land and buildings located in an ALOOD District in accordance with the provisions of this Bylaw from the Planning Board (ALOOD Project), which shall act as the Special Permit Granting Authority (SPGA) under this section. The ALOOD shall overlay any parcel or combination of contiguous parcels in common ownership or control, or pursuant to a petition in which evidence is provided that the purchase of such parcel or parcels is under agreement (“ALOOD PARCEL”), approved by Town Meeting to be included in the ALOOD, subject to the following requirements:
 - a. Such ALOOD PARCEL shall be located in a residentially zoned district and consist of at least five (5) contiguous acres.
 - b. Such ALOOD PARCEL shall have a minimum of 200 feet of frontage on a Town or State road.
2. **USE AND OTHER ZONING REGULATIONS**
 - a. **Allowed Uses:** In addition to any uses allowed in the underlying residential zoning district, which shall continue to be allowed uses, Assisted Living Residences and Special Care

Residences, either as a single use, or as combined uses in one or more buildings, shall be allowed uses within the ALOOD subject to the following requirements:

- i. An Assisted Living Residence located in the ALOOD shall provide assisted living units consisting of one or more rooms within an Assisted Living Residence providing living facilities for no more than two occupants, including room or rooms for living, sleeping and eating (“ALR Unit”).
- ii. Both Assisted Living Residences and Special Care Residences 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.
- iii. The SPGA, in order to approve the Special Permit/Site Plan Approval for an Assisted Living Residence or a Special Care Residence, 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.
 - b. All regulations of the underlying residential zoning district shall apply within the ALOOD except for projects approved pursuant to this Section, which shall be governed by the regulations set forth in this Section, provided however that the requirements set forth in Section III-A.3, Flood Plain District, and III-A.5, Aquifer Protection District, shall apply to projects within the ALOOD District.
 - c. Intensity, Dimensional and Open Space Regulations
 - i. Number of Living Units: Any development permitted under the ALOOD Bylaw shall be limited to eight (8) ALOOD units per acre (43,560 S.F.). An ALOOD unit is a patient bed with respect to a Special Care Residence and an ALR Unit with respect to an Assisted Living Residence. For example, a five (5) acre ALOOD PARCEL could have a maximum of forty (40) ALR Units, or twenty (20) ALR Units and a twenty (20) bed Special Care Residence, or a forty (40) bed Special Care Residence, or any other combination thereof.
 - ii. Floor Area Ratio: For any development permitted under the ALOOD Bylaw the floor area ratio (FAR) shall not exceed 0.25.
 - iii. Open Space: Any development approved under the ALOOD shall provide that a minimum of thirty-three (33%) per cent of the ALOOD PARCEL is retained as permanent Open Space or an Open Space Public Benefit Amenity. At least fifty (50%) percent of the Open Space shall not be wetlands or land subject to seasonal or periodic flooding. The Open Space disposition shall be at the discretion of the SPGA and either retained by the Applicant, deeded to the Town of Natick, or deeded to a non-profit corporation designated by the SPGA. The SPGA may, in its discretion, require public access to such Open Space. The Open Space shall be permanently restricted as Open Space by way of a deed restriction, conservation restriction or easement. Open Space acreage, whether retained by the Applicant or deeded to a third party in compliance with this Section, shall be considered part of the ALOOD PARCEL for determining zoning compliance of the ALOOD PARCEL under all provisions of the Zoning Bylaw.
 - iv. Parking Spaces Required: 0.5 spaces per ALR Unit for Assisted Living Residences; 0.75 spaces per patient bed for Special Care Residences.

Intensity Regulations:

Minimum ALOOD Project Areas	5 Acres
Continuous Frontage	200’
Minimum Front-yard setback	150’
Minimum Rear-yard setback	*40’
Maximum Building Height	35’
Maximum Building Coverage	20%
Minimum Open Space	33%

*or 60’ from the nearest residential building on any abutting lot, whichever is greater.

d. Design criteria:

- i. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- ii. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building.
- iii. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- iv. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
- v. 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.
- vi. The SPGA may, in its discretion, determine and apply additional Design Criteria that further the purposes of this Bylaw.

e. AFFORDABILITY REQUIREMENTS

Unless a determination has been made satisfactory to the SPGA that the Living Units of the ALOOD Project do not affect the Town's Subsidized Housing Inventory as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$5 multiplied by the total number of square feet of area in Living Units in the ALOOD Project. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.

f. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance with one or more of the regulations in any ALOOD District provided that it makes 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, provided however that any waiver or modification of a dimensional regulation shall not increase or decrease such requirement by more than ten (10%) percent.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 8-4-0 on March 30, 2017 the Finance Committee recommended *Referral to the Planning Board and the Sponsor* with regard to the subject matter of Article 34.

MOTION (requires two-thirds vote)

Moved by Mr. Glaser, seconded by Mr. Whitney to amend the Town of Natick Zoning By-laws as follows:

1. Amend Article I by adding:

Section 110 – PURPOSE OF ASSISTED LIVING OPTION OVERLAY DISTRICT (ALOOD)

Within the purposes expressed in Section 100 of this Bylaw and in General Laws Chapter 40 A the particular intent of these Bylaws with respect to establishing an Assisted Living Option Overlay District (ALOOD) is to provide a residential environment within residentially zoned districts that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community, including individuals with specialized needs due to cognitive or other impairments, by offering supervision and/or assistance with basic activities of daily life.

2. Create New section III-K to be added to Zoning Bylaw after the existing Highway Overlay District Sections:

Section III-K ASSISTED LIVING OPTION OVERLAY DISTRICT (“ALOOD”)

1. **APPLICABILITY:** An applicant may seek a Special Permit for the redevelopment of land and buildings located in an ALOOD District in accordance with the provisions of this Bylaw from the Planning Board (ALOOD Project), which shall act as the Special Permit Granting Authority (SPGA) under this section. The ALOOD shall overlay any parcel or combination of contiguous parcels in common ownership or control, or pursuant to a petition in which evidence is provided that the purchase of such parcel or parcels is under agreement (“ALOOD PARCEL”), approved by Town Meeting to be included in the ALOOD, subject to the following requirements:
 - a. Such ALOOD PARCEL shall be located in a residentially zoned district and consist of at least five (5) contiguous acres.
 - b. Such ALOOD PARCEL shall have a minimum of 200 feet of frontage on a Town or State road.
2. **USE AND OTHER ZONING REGULATIONS**
 - a. **Allowed Uses:** In addition to any uses allowed in the underlying residential zoning district, which shall continue to be allowed uses, Assisted Living Residences and Special Care Residences, either as a single use, or as combined uses in one or more buildings, shall be allowed uses within the ALOOD subject to the following requirements:
 - i. An Assisted Living Residence located in the ALOOD shall provide assisted living units consisting of one or more rooms within an Assisted Living Residence providing living facilities for no more than two occupants, including room or rooms for living, sleeping and eating (“ALR Unit”).
 - ii. Both Assisted Living Residences and Special Care Residences 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.
 - iii. The SPGA, in order to approve the Special Permit/Site Plan Approval for an Assisted Living Residence or a Special Care Residence, 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.
 - b. All regulations of the underlying residential zoning district shall apply within the ALOOD except for projects approved pursuant to this Section, which shall be governed by the regulations set forth in this Section, provided however that the requirements set forth in Section III-A.3, Flood Plain District, and III-A.5, Aquifer Protection District, shall apply to projects within the ALOOD District.
 - c. **Intensity, Dimensional and Open Space Regulations**
 - i. **Number of Living Units:** Any development permitted under the ALOOD Bylaw shall be limited to eight (8) ALOOD units per acre (43,560 S.F.). An ALOOD unit is a patient bed with respect to a Special Care Residence and an ALR Unit with respect to an Assisted Living Residence. For example, a five (5) acre ALOOD PARCEL could have a maximum of forty (40) ALR Units, or twenty (20) ALR Units and a twenty (20) bed Special Care Residence, or a forty (40) bed Special Care Residence, or any other combination thereof.
 - ii. **Floor Area Ratio:** For any development permitted under the ALOOD Bylaw the floor area ratio (FAR) shall not exceed 0.25.
 - iii. **Open Space:** Any development approved under the ALOOD shall provide that a minimum of thirty-three (33%) per cent of the ALOOD PARCEL is retained as permanent Open Space or an Open Space Public Benefit Amenity. At least fifty (50%) percent of the Open Space shall not be wetlands or land subject to seasonal or periodic flooding. The Open Space disposition shall be at the discretion of the SPGA and either retained by the Applicant, deeded to the Town of Natick, or deeded to a non-profit corporation designated by the SPGA. The SPGA may, in its discretion, require public access to such Open Space. The Open Space shall be permanently restricted as Open Space by way of a deed restriction, conservation restriction or easement. Open Space acreage, whether retained by the Applicant or deeded to a third party in compliance with this Section, shall be considered part of the ALOOD PARCEL for determining zoning compliance of the ALOOD PARCEL under all provisions of the Zoning Bylaw.
 - iv. **Parking Spaces Required:** 0.5 spaces per ALR Unit for Assisted Living Residences; 0.75 spaces per patient bed for Special Care Residences.

Intensity Regulations:

Minimum ALOOD Project Areas	5 Acres
Continuous Frontage	200'
Minimum Front-yard setback	150'
Minimum Side-yard setbacks	*40'
Minimum Rear-yard setback	*40'
Maximum Building Height	35'
Maximum Building Coverage	20%
Minimum Open Space	33%

*or 60' from the nearest residential building on any abutting lot, whichever is greater.

d. Design criteria:

- i. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- ii. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building.
- iii. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- iv. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
- v. 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.
- vi. The SPGA may, in its discretion, determine and apply additional Design Criteria that further the purposes of this Bylaw.

e. AFFORDABILITY REQUIREMENTS

Any Applicant seeking approval of an ALOOD Project shall, as a condition of approval by the SPGA, make a one-time payment in an amount equal to a formula of \$5 multiplied by the total number of square feet of area in Living Units in the ALOOD Project. The SPGA shall designate that the payment made shall be administered by the Town of Natick Community Services Department and used to subsidize the cost for occupancy of Assisted Living or Special Care Residences located in Natick by income eligible Natick residents. This payment shall be made at the time of issuance of a Certificate of Occupancy for an ALOOD Project.

3. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance with one or more of the regulations in any ALOOD District provided that it makes 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, provided however that any waiver or modification of a dimensional regulation shall not increase or decrease such requirement by more than ten (10%) percent.

4. DEFINITION

A "Special Care Residence" is a type, or part, of an Assisted Living Facility that provides an enhanced level of supports and services for one or more residents to address their specialized needs due to cognitive or other impairments. Such a residence must provide a planned activity program that addresses resident needs, as applicable, in the following areas of resident function: gross motor activities; self-care activities; social activities and sensory and memory enhancement activities.

Mr. Glaser spoke briefly about the article. Moved by Mr. Munnich, seconded by Mr. Ostroff to allow Mr. Hanrahan, a Framingham resident and an attorney representing the sponsors of the article. ***The motion to allow Mr. Hanrahan to speak passed by majority vote (by hand count).*** Mr. Glaser moved, seconded by Mr. Ostroff, to allow the speaker 15 minutes to make a presentation on this article. ***The motion passed by two-thirds vote (by hand count).***

Mr. Hanrahan made a presentation to Town Meeting. Mr. Sutherland, the sponsor of Article 36 and a resident of Precinct 10 also made a presentation. Mr. Everett moved, seconded by Mr. Sidney that no person shall speak on Articles 33-36 for more than 5 minutes without the approval of Town Meeting. ***The motion failed (78-47-3).*** There were many speakers who spoke on both sides of the debate. All those who were not residents of Natick were permitted to speak with Town Meeting's approval. Mr. Magasanik moved, seconded by Ms. Collins indefinite postponement of the subject matter of Article 34. Discussion continued at this time on the two motions. Mr. Griesmer moved, seconded by Ms. Coughlin to refer the subject matter of the Article 34 to the Planning Board. Moved by Mr. Gath, seconded by Mr. Sidney to move the question and close debate on this article. ***The motion to close debate passed by a two-thirds vote (by hand count).***

The first motion to be voted was referral, then indefinite postponement followed by the positive main motion. ***The motion to refer the subject matter of Article 34 to the Planning Board passed by majority vote (76-46-2).***

ARTICLE 35

Include Certain Parcels of Land on Eliot Street and Everett Street in the Assisted Living Option Overlay District ("ALOOD") (Richard Glaser et al)

To see if the Town will vote to include certain parcels of land located on Eliot Street and Everett Street within the Assisted Living Option Overlay District, specifically those parcels of land identified on Assessor's Map number 72 as parcels 39E, 39L, and 39K, intending to describe that land contained in deeds recorded in Middlesex South District Registry of Deeds in book 12792, page 120 (parcel 39E, but excepting Parcel 41), book 48268, page 575 (parcel 39L), book 59285, page 131 (parcel 39K), and excepting therefrom the land described in book 60812, page 376, all as more particularly described on a Plan entitled "Assisted Living Option Overlay District" (Assessors Map 72, lots 39E, 39L, and 39K) 309 and 311 Eliot Street, Natick Massachusetts, by McKenzie Engineering Group, Inc. dated February 2, 2017 attached hereto as Exhibit A and the narrative description attached hereto as Exhibit B, or otherwise act thereon.

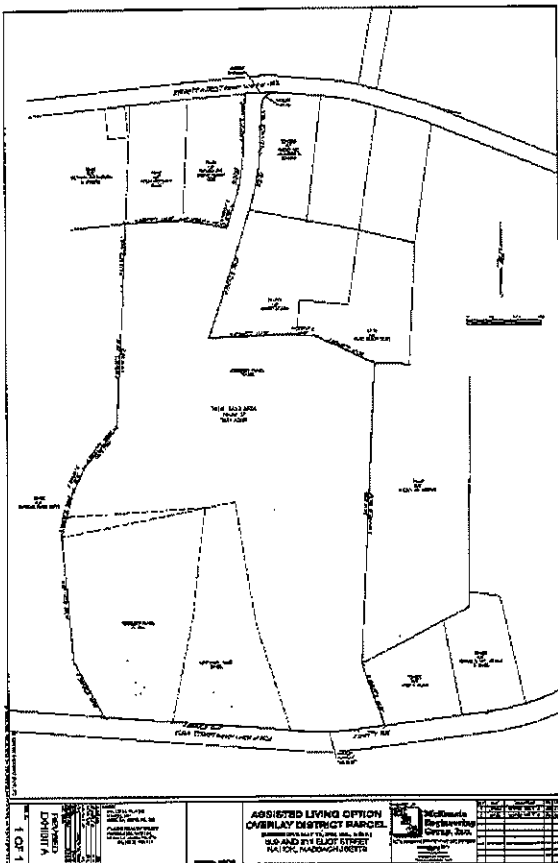


EXHIBIT B

ALOOD PARCEL LEGAL DESCRIPTION

A parcel of land situated on the northerly side of Eliot Street and the southerly side of Everett Street in the town of Natick, Middlesex County, Massachusetts being more particularly described as follows:

BEGINNING at a point on the northerly right of way line of said Eliot Street, being the southeasterly corner of the land herein described;
thence along said Northerly right of way line the following 3 courses;
S 82°40'51" W a distance of 70.65';
thence with a curve turning to the right with an arc length of 134.31' and a radius of 646.64';
thence N 85°25'09" W a distance of 481.67';
thence N 28°16'39" W a distance of 153.96';
thence N 05°17'09" W a distance of 304.07';
thence N 15°12'21" E a distance of 112.64';
thence N 26°09'21" E a distance of 65.70';
thence N 40°09'46" E a distance of 120.00';
thence N 03°02'34" E a distance of 339.46';
thence N 02°51'16" E a distance of 154.81';
thence N 86°52'18" E a distance of 139.82';
thence S 79°50'13" E a distance of 107.36';
thence N 18°11'54" E a distance of 56.69';
thence with a curve turning to the left with an arc length of 133.18' and a radius of 492.31';
thence N 02°41'54" E a distance of 137.00' to the southerly right of way line of said Everett Street;
thence along said southerly right of way line with a curve turning to the right with an arc length of 73.19' and a radius of 648.98';
thence with a reverse curve turning to the left with an arc length of 52.08' and a radius of 33.45';
thence S 02°41'54" W a distance of 108.71';
thence with a curve turning to the right with an arc length of 144.00' and a radius of 532.31';
thence S 18°11'56" W a distance of 323.38';
thence N 87°59'45" E a distance of 195.86';
thence S 85°59'42" E a distance of 64.00';
thence S 65°24'03" E a distance of 158.94';
thence S 02°50'47" W a distance of 726.75';
thence S 20°13'39" E a distance of 160.70' to the POINT OF BEGINNING;
containing an area of 16.64 acres more or less.

The above described parcel of land comprises Assessor's Map number 72; parcels 39E, 39L, and 39K intending to describe a portion of that land contained in deeds recorded in the following books:
A portion of land in book 12972, page 120 (parcel 39E)
book 48268, page 575 (parcel 39L)
book 59285, page 131 (parcel 39K)
excepting therefrom the land described in book 60812, page 376
being also shown on a plan entitled "Assisted Living Option Overlay District Parcel (Assessor's Map 72, 39E, 39L, & 39K) 309 and 311 Eliot Street Natick, Massachusetts" dated February 2, 2017 by McKenzie Engineering Group, Inc.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 8-4-0 on April 4, 2017 the Finance Committee recommended *Indefinite Postponement* with regard to the subject matter of Article 34.

MOTION (requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to indefinitely postpone the subject matter of Article 35.

Moved by Mr. Boardman, seconded by Mr. Ostroff to refer the subject matter of Article 35 to the Planning Board.

The motion to refer the subject matter of Article 35 failed (48-61-3). The motion to indefinitely postpone the subject matter of Article 35 passed by majority vote (76-32-3).

ARTICLE 33: Amend the Natick Zoning By-Law to Include a Definition for Special Care Residence (Richard Glaser et al)

To see if the Town will vote to add a definition for "Special Care Residence" to Article I, Section 200 of the Town of Natick Zoning Bylaw, or otherwise act thereon.

Suggested definition:

A "Special Care Residence" is a type, or part, of an Assisted Living Facility that provides an enhanced level of supports and services for one or more residents to address their specialized needs due to cognitive or other impairments. Such a residence must provide a planned activity program that addresses resident needs, as applicable, in the following areas of resident function: gross motor activities; self-care activities; social activities and sensory and memory enhancement activities.

(This definition is drawn from 651 CMR 12.02 and 651 CMR 12.04(4)(b)).

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12-0-0 on March 30, 2017 the Finance Committee recommended that *No Action* be taken with regard to the subject matter of Article 33.

MOTION (requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to take no action on the subject matter of Article 33.

The motion to take no action passed by majority vote (by hand count).

ARTICLE 36: Assisted Living Option Overlay District (ALOOD) (2) (Gary Sutherland et al)

1. Amend Article I by adding:

Section 110 –PURPOSE OF ASSISTED LIVING OPTION OVERLAY DISTRICT (ALOOD)

Within the purposes expressed in Section 100 of this Bylaw and in General Laws Chapter 40 A the particular intent of these Bylaws with respect to establishing an Assisted Living Option Overlay District (ALOOD) is to provide a residential environment within residentially zoned districts that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community, including individuals with specialized needs due to cognitive or other impairments, by offering supervision and/or assistance with basic activities of daily life.

2. Create New section 111-K to be added to Zoning Bylaw after the existing Highway Overlay District Sections:

Section 111-K ASSISTED LIVING OPTION OVERLAY DISTRICT ("ALOOD")

1. **APPLICABILITY:** The ALOOD shall overlay any parcel or combination of contiguous parcels in common ownership ("ALOOD PARCEL") , approved by Town Meeting to be included in the ALOOD, subject to the following requirements:

- a. Such ALOOD PARCEL shall be located in a residentially zoned district and consist of at least five (5) contiguous acres.
- b. Such ALOOD PARCEL shall have a minimum of 200 feet of frontage within 5280 feet of the Downtown Common area
- c.

2. **USE AND OTHER ZONING REGULATIONS**

- a. **Allowed Uses:** In addition to any uses allowed in the underlying residential zoning district, which shall continue to be allowed uses, Assisted Living Residences and Special Care Residences, either as a single use or as combined uses in one or more buildings, shall be allowed uses within the ALOOD subject to the following requirements:

1. An Assisted Living Residence located in the ALOOD shall provide assisted living units consisting of one or more rooms within an Assisted Living Residence providing living facilities for no more than two occupants, including room or rooms for living, sleeping and eating ("ALR Unit").

- 11. Both Assisted Living Residences and Special Care Residences 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.
- iii. The SPGA, in order to approve the Special Permit/Site Plan Approval for an Assisted Living Residence or a Special Care Residence, 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.
- b. All regulations of the underlying residential zoning district shall apply within the ALOOD except for projects approved pursuant to this Section, which shall be governed by the regulations set forth in this Section, provided however that the requirements set forth in Section 111-A.3 Flood Plain District and 111-A.5 Aquifer Protection District shall apply to projects within the ALOOD District..
- c. Intensity, Dimensional and Open Space Regulations
 - i. Number of Living Units: Any development permitted under the ALOOD Bylaw shall be limited to 6 (6) ALOOD units per acre (43,560 S.F.). An ALOOD unit is a patient bed with respect to a Special Care Residence and an ALR Unit with respect to an Assisted Living Residence. The maximum density is 64 units regardless of the property size.
 - ii. Floor Area Ratio: For any development permitted under the ALOOD Bylaw the floor area ratio (FAR) shall not exceed 0.25.
 - iii. Open Space: Any development approved under the ALOOD shall provide that a minimum of thirty-three (33%) per cent of the ALOOD PARCEL is retained as permanent Open Space or an Open Space Public Benefit Amenity. At least fifty (50%) percent of the Open Space shall not be wetlands or land subject to seasonal or periodic flooding. The Open Space disposition shall be at the discretion of the SPGA and either retained by the Applicant, deeded to the Town of Natick, or deeded to a non-profit corporation designated by the SPGA. The SPGA may, in its discretion, also require public access to such Open Space. The Open Space shall be permanently restricted as Open Space by way of a deed restriction, conservation restriction or easement. Open Space acreage, whether retained by the Applicant or deeded to a third party in compliance with this Section, shall be considered part of the ALOOD PARCEL for determining zoning compliance of the ALOOD PARCEL under all provisions of the Zoning Bylaw.
 - iv: Affordable units: The minimum requirement is 15% with a maximum of 25% of units affordable
 - v. Parking Spaces required: 0.5 spaces per ALR Unit for Assisted Living Residences; (1) spaces per patient bed for Special Care Residences.
 - VI: No Assisted Living development approved under the Alood bylaw can be within 2,640 feet of another approved Alood Assisted Living development covered under this bylaw.
 - v. Intensity Regulations:

Minimum ALOOD Project Areas	5 Acres
Continuous Frontage	200'
Minimum Front-yard setback	200'
Minimum Side-yard setbacks	100'
Minimum Rear-yard setback	100'
Maximum Building Height	35'
Maximum Building Coverage	20%
Minimum Open Space	33%

- d. Design criteria:
 - i. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - ii. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The development should be in harmony with existing housing structures without significantly changing the character of existing residential areas
 - 111. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
 - 1v. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
 - v. 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.
 - vi. The SPGA may, in its discretion, determine and apply additional Design Criteria that further the purposes of this Bylaw.
- e. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance however the total amount of waiver shall not exceed 10% with one or more of the regulations in any ALOOD District provided that it makes 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.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11-0-1 on March 30, 2017 the Finance Committee recommended that Referral to the Planning Board and the Sponsor with regard to the subject matter of Article 36.

MOTION (requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to refer the subject matter of Article 36 to the Planning Board and the Sponsor.

Ms. Merkowitz moved, seconded by Mr. Gath to amend the referral motion to refer the subject matter only to Planning Board. *The amendment passed by majority vote (by hand count). The amended referral motion passed by majority vote (by hand count).*

Mr. Sydney moved, seconded by Ms. Merkowitz to adjourn both sessions of Town Meeting. *The motion to adjourn passed by a two-thirds vote. The meeting adjourned at 11:05 PM until Tuesday, May 16th at 7:30 PM at Wilson Middle School.*

A record of the Seventh Session of
2017 Spring Annual Town Meeting
May 11, 2017



Diane Packer, Town Clerk