

## TOWN OF NATICK

**Diane B. Packer**  
Town Clerk  
[dpacker@natickma.org](mailto:dpacker@natickma.org)

### CERTIFICATE OF VOTE

I, Diane Packer, Town Clerk of Natick Massachusetts, do hereby certify the following vote:

**ARTICLE 41: Amend Zoning By-Law to Create an Independent Senior Living Overlay Option Plan/Elderly Family Residence Living Option Plan (George L. Richards et al)**

To see what action(s) the town will take to amend the Zoning By Law to create an Elderly Family Residence Option Overlay Plan (EFLOOP) (aka Independent Senior Living Overlay Option Plan) and to designate 22-24, 26, and 32 Union Street in Natick (also identified as real estate tax parcels or Lots 262, 261, and 260 on Assessors Map 44 of the Town Assessor) as an EFLOOP District including but not limited to the following:

- 1) to specify the purpose(s) and objective(s) of such EFLOOP and/or the eligibility requirement(s) for a parcel or parcels to be included in an EFLOOP,
- 2) to create new or modifying existing definitions for this purpose whether within an EFLOOP section of or elsewhere in the zoning bylaw,
- 3) to set any and all dimensional, intensity, and/or use regulations for this EFLOOP including without limitation: a) height including "sky plane" or stepped back height restrictions, b) any and all setbacks, c) lot frontage, d) lot depth, e) number of units, f) type and size of units, g) number of residents, h) minimum or maximum parking requirements, i) open space, j) lot coverage, k) building coverage, l) Floor Area Ratio (FAR), m) Landscape Surface Ratio (LSR), n) lot area, o) establish criteria for contributions to Affordable Housing Trust Fund of Natick as an alternative to or instead of meeting the affordability requirement provisions in the current definition of Elderly Family Residences, etc.,
- 4) to specify whether such EFLOOP requires a Special Permit, what the Special Permit and/or Site Plan Review process might consist of or require and who the Special Permit Granting Authority would be,
- 5) to specify whether or not and to what extent and on which dimensional or intensity or use regulations and under what conditions the Special Permit Granting Authority might waive or modify such regulations, and/or grant additional density or intensity in return for Public Benefit Amenities,
- 6) to use existing definitions, provisions and/ or text of the of the Zoning By Law or make amendments thereto or creating provisions, definitions and/or text either unique to the EFLOOP, whether in whole or in part, and/or more broadly applicable to other districts in the Town,
- 7) a) to provide and/or to allow for services and/or amenities to be part of an optional part of an Elderly Family Residences and/or EFLOOP facility to accomplish the goal of independent senior living whether by modification of existing and/or creation of new definition(s), regulation(s), EFLOOP text and/or otherwise and/or b) to specify and/or to identify generally such services and amenities as optional features for an EFLOOP facility and/or c) to distinguish or differentiate such services and amenities from other types of facilities, and/or d) to apply such definitions or provisions to other district(s) where Elderly Family Residences are permitted or allowed by special permit,
- 8) to establish requirements, if any, for: a) screening and/or buffering of structures, site improvements, parking and or the site from adjacent and surrounding residences and land uses, b) orientation, location and/or screening of loading docks, dumpsters, service and main entrances, c) which underlying zones of 22 to 32 Union St. inclusive may be used in the EFLOOP including extent to which requirements of underlying zones will apply unless specifically modified in the EFLOOP, d) design and/or design review standards, e) ability or prohibition to place mechanical, vent or other structures on rooftops, f) any or all activities to be conducted in such a manner that noise, smoke, dust, odor, vibration, waste disposal or other objectionable features are confined to the premises, buildings or structures, g) any and

all matters currently included and/or addressed in "Section V – Special Requirements" section of the existing Town of Natick Zoning By Law (whether such matters are specifically and/or differently addressed in the EFLOOP, modified for the EFLOOP within said Section V, applied to the EFLOOP as set forth in said Section V and/or are added to or modified within Section V for the purposes of this article), h) height, elevation and/or orientation of buildings and/or building features in relation to neighboring properties and/or i) other neighborhood and abutter protections,

- 9) to specify requirements for the applicability of the Aquifer Protection District to the EFLOOP and/or changing the applicability of the Aquifer Protection District to residential projects in the RS and/or RG and zones including modifying use variance language therein and/or specifying applicability of the Aquifer Protection District requirements in the EFLOOP and/or
- 10) to take any other action consistent with the purposes of this article and/or the creation of this EFLOOP including but not limited to associated changes and/or additions to i) schedule of Use Districts in Section II-A, ii) Section III- A and/or B, and/or Section IV-A and/or IV-B and/or Section V-D-3 and/or Section VI-DD-2 as necessary to implement the foregoing; or otherwise act thereon.

**MOTION A (requires two-thirds vote)**

Moved by Mr. Evans seconded by Mr. Hayes to amend the Town of Natick Zoning By Laws by inserting in the Definitions Section immediately before the definition of "Indoor Wireless Communications Facility (IWCF)" a new definition as follows:

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.

*Motion A under Article 41 passed by two-thirds vote (121-6-0).*

**MOTION B (Requires two-thirds vote)**

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Town of Natick Zoning By Laws by inserting in SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS a new overlay district as follows:

“Independent Senior Living Overlay Option Plan” “ISLOOP”

And by inserting “.1” after III-I in the title ‘Section III-I: Assisted Living Residences’ so that the section now begins “Section III-I.1: Assisted Living Residences” and following Section III-I: Assisted Living Residences by inserting, a new section, Section III-I.2. : Independent Senior Living Overlay Option Plan, as follows:

“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 Special Permit Granting Authority (SPGA), may grant a special permit in accordance with Sections VI-DD, VI-EE, and this ISLOOP section 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:

- 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:

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- 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 SPGA may grant a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A, the Special Permit and Site Plan Review sections of this by-law and the following standards and requirements:

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 Section V-I of this By-Law 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.

4. As part of the Special Permit process, the SPGA shall require a covenant, consistent with the requirements of MGL Ch. 184 s. 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.

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
  - 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.
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

2.6 Affordability Requirements: 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 ISLF shall be affordable units.

This provision shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year. The affordability requirement above shall be maintained as such in perpetuity, or for as long as legally permissible by use of appropriate restrictions in deeds, lease provisions, or other mechanisms as permitted under the Massachusetts General Laws and as approved by the SPGA. 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 comprised entirely of rental units.

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. The application for a special permit 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.

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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.”

Moved by Mr. Munnich, seconded by Mr. Awkward to amend the main motion to add the words “at least” in Section 2.6 Affordability Requirements between the words “that” and “ten”.

***The amendment to Motion B under passed by majority vote (114-3-0). Amended Motion B under Article 41 passed by two-thirds vote (114-4-1).***

#### **MOTION C (Requires two-thirds vote)**

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Town of Natick Zoning By Law as follows: By inserting in the list in Section II-A Types of Use Districts after the words “Regional Center Mixed Use Overlay District RCP” the words: “Independent Senior Living Overlay Option Plan ISLOOP”

and further by inserting in Section V-D-3 after the sub-section “t) Assisted Living Residences” the following words:

“u) Independent Senior Living Facility – 1.0 space per dwelling unit”

and further, in Section V-D-19 (d) Waivers in the first line after the words “sections 3.r) through”, by deleting the letter “t” inserting in its place the letter “u”

and further by inserting in the list in Section VI-DD-2 A. Special Permits a) after the words “Downtown Mixed Use (DMU)” the following words: “Independent Senior Living Overlay Option Plan (ISLOOP)”

and further by inserting in the list in Section VI-DD-2 B. Site Plan Review Applicability and SPGA Designation a) after the words “Downtown Mixed Use (DMU)” the following words:

“Independent Senior Living Overlay Option Plan (ISLOOP)”

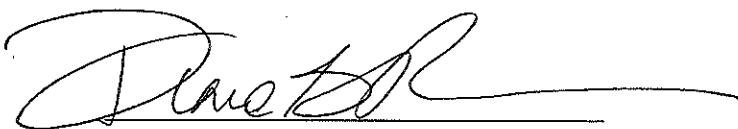
***Motion C under Article 41 passed by two-thirds vote (117-2-0).***

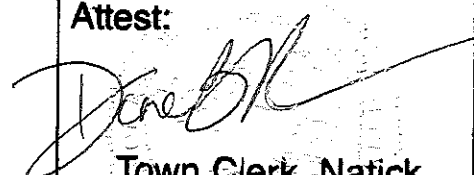
#### **MOTION D (Requires two-thirds vote)**

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Town of Natick Zoning Map by including in an Independent Senior Living Overlay Option Plan overlay district the land known as 22-24, 26 and 32 Union Street on Assessors Map 44, Lots 262, 261 and 260.

***Motion D under Article 41 passed by a two-thirds vote (114-3-0).***

These votes were taken at the May 9<sup>th</sup> session of the 2017 Spring Annual Town Meeting.

  
Diane B. Packer

**A True Copy**  
**Attest:**  
  
**Town Clerk, Natick**