

**ARTICLE LIST  
SPECIAL TOWN MEETING No. 1  
OCTOBER 18, 2005**

Article 1 Amend Zoning By-Law: Natick Mall Residential Units

**Article 1  
(Planning Board)**

To see if the Town will amend its Zoning By-Law in the following respects:

Item 1: The following shall be added as definitions, in alphabetical order, in Section 200:

Affordable Housing Standard: One or more buildings in which units designated as affordable meet the criteria for recognition as affordable units under a Local Initiative Program or other program administered or authorized by the Department of Community Housing and Development 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.

Affordable Housing Standard Subsidy: The excess of the fair market value of the units designated as affordable over the price that may be charged for them as restricted units.

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.

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.

Item 2: There shall be added at the end of Section II.A.1 the following Use District: “Regional Center Mixed-Use Overlay District RCP.”

Item 3: Insert a new Section II.B.7.d. that follows Section II.B.7.c. to read as follows: “There shall be a Regional Center Mixed-Use Overlay District (RCP) within the following described area: Town of Natick Assessors’ Map 16, Lot 2.”

Item 4: Amend Section 321 as follows:

1. in the second sentence delete the word “three” and insert in place thereof the word “four”;
2. in the second sentence insert the words “the Regional Center Mixed-Use Overlay (RCP) District” between the words “...overlay districts:” and the words “the Mall Center Overlay (MC) District; and
3. insert a new fourth sentence to read as follows: “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.”

so that amended Section 321 would read:

“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.”

Item 5: In Section 323, Use and Other Zoning Regulations, delete the first line following the title and substitute the following: “323. Uses prohibited in the MC, RCP and RC Districts.”

Item 6: Insert new Sections 323.1.7, 323.1.8 and 323.1.9 as follows:

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 the increase in the supply of affordable housing in the Town and 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.

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.

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 approval of the Planning Board granted under Section 320 and Section VI-DD. 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 fire-safety impacts of such multi-family 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 off-site 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 approval of the Planning Board granted under Section 320 and Section VI-DD.

Item 7: At the end of each of Sections 323.2 and 323.3, the following sentence will be added: “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.”

Item 8: In Section 324.6, Areas Excluded from FAR Computations, insert in the third line: “RCP.”

Item 9: Insert Section 324.6.7 as follows:

324.6.7 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, all of the floor area within such residential project including any amenities serving the same provided, however, that in granting a special permit under Section 323.1.9, the Planning Board finds that the Affordable Housing Standard Subsidy exceeds the product of twenty dollars (\$20) and the gross floor area of such structure and in the case where the Affordable Housing Standard is proposed to be satisfied either with all off-site units or a combination of on-site units and off-site units, the Planning Board also finds that there is a greater benefit to the community in permitting the Affordable Housing Standard to be satisfied in such manner than if all of the affordable units were located in the Regional Center Mixed-Use Development.

Item 10: In Section 324.7, insert at the beginning of the text thereof, the phrase “Except for a Regional Center Mixed-Use Development, . . . .”

Item 11: Revise the last sentence of Section 325.1.3 to read as follows: “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.”

Item 12: In Section 325.2, in the first line, after the word “developments,” insert (other than for a Regional Center Mixed-Use Development).”

Item 13: Renumber Sections 325.21 and 325.22 respectively as 325.2.1 and 325.2.2.

Item 14: In Section 325.4, Mixed Use Projects, insert after the word “developments” in the first line, “(other than for a Regional Center Mixed-Use Development).”

Item 15: Insert a new section 325.5 as follows:

“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.

Item 16: In Section 326.12, insert after the word “regulations” in the third line, “or for structures in a Regional Center Mixed-Use Development or for structures in a MC Overlay District, . . . .”

Item 17: Insert new Sections 326.13 and 326.14 as follows:

326.13 For a Regional Center Mixed-Use Development, the height limitation for shopping mall buildings shall be 80 feet measured from the adjacent average finished grade. The residential buildings in a Regional Center Mixed-Use Development 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:

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

Item 18: In Section 326.3, insert at beginning, “Except for the RCP Overlay District, . . .”

Item 19: Revise Section 326.4 to read as follows: 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
Side and Rear Yard :	20 feet but zero feet for buildings along their walls through which there is enclosed pedestrian access

Item 20: In Section VI.DD, amend Section 2(a) to add thereto: “a Regional Center Mixed-Use Overlay District”

or otherwise act thereon.