



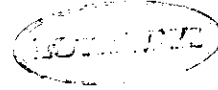
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Town of Natick Massachusetts

01760



Bk: 48119 Pg: 126 Doc: DECIS
Page: 1 of 18 09/05/2006 03:38 PM



Jane M. Hladick
Town Clerk

August 24, 2006

To Whom It May Concern:

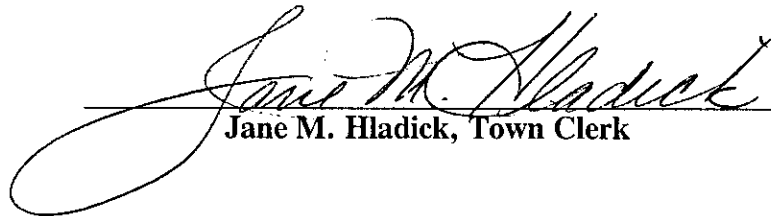
This is to certify that no notice of appeal was received during the twenty (20) days next after receipt and recording on:

March 23, 2006

of notice from the Planning Board for
Modification of Site Plan Approval and Special Permits
Decision #6-06, for:

- ✓ GGP Natick Residence LLC
- ✓ GGP - Natick West LLC
- General Growth Properties-
- Natick Limited Partnership

with the office of the Natick Town Clerk.


Jane M. Hladick, Town Clerk

Recorded: 1235 Worcester Road, Natick ✓
Registered: 330 Speen Street, Natick

25959-205

25959-205



RECEIVED

BEFORE THE NATICK PLANNING BOARD

2011 MAR 23 PM 4: 42

TOWN CLERK NATICK

In Re Application of:

**GGP Natick Residence LLC
GGP - Natick West LLC
General Growth Properties -
Natick Limited Partnership**

Decision 6 - 06

**Parcel: Assessors' Map 24, Lot 101
Assessors' Map 16, Lot 2**

MODIFICATION OF SITE PLAN APPROVAL AND SPECIAL PERMITS

Statement of Facts and Action Requested:

This decision relates to the redevelopment and expansion of Natick Mall (the "Mall Expansion") on Worcester Street (Rt. 9) in Natick, Massachusetts. The Natick Planning Board ("Board") granted site plan approval and certain permits for the original expansion of the Natick Mall in 1993, all as provided in that certain Site Plan Decision (Decision 5-92) as further amended by Decisions 1-93, 2-93, 8-93, 3-94, 6-94, 8-94 and 10-94, as well as Decision 16-04, which was issued in July of 2004 (the "2004 Decision") and Decision 5-06 (collectively, the "Current Decision"). In the 2004 Decision, the Board acknowledged that the applicant had included in its evaluation of the Mall Expansion a review of the impacts of a residential component. The 2004 Decision indicated, however, that it did not approve a residential component as part of the 2004 Decision and that certain modifications would be required to be made to the Zoning By-Law in order to permit the inclusion of a residential component within the Mall Expansion. (16-04) Decis 142118 3
(05) Decis 142118 4

At a Town Meeting in October of 2005, Town Meeting approved certain modifications to the Zoning By-Law, under the terms of which a residential component could be constructed on the North Parcel (as defined in the 2004 Decision) provided site plan approval and certain special permits were granted therefor (the "Residential Relief"). This decision reflects the Board's action on the Residential Relief.

The North Parcel is in an MC Overlay District and, by virtue of the Town Meeting action, is now located in an additional overlay district referred to as the Regional Center Mixed-Use Overlay District. Within a Regional Center Mixed-Use Overlay District, a Regional Center Mixed-Used Development consisting of shopping mall use and multi-family residential use may be permitted upon the issuance of a special permit under Section 323.1.9 of the Zoning By-Law and granting of site plan approval under Section 320 and Section VI-DD of the Zoning By-Law. In addition, the FAR of a Regional Center Mixed-Use Development may be as great at 1.0 as long as the Affordable Housing Standard is met in connection with the

development of a Regional Center Mixed-Used Development and FAR payments, as provided in Section 328.33 of the Zoning By-Law, are made. The Zoning By-Law also permits, in a Regional Center Mixed-Use Development, for the Affordable Housing Standard to be met by the use of off-site affordable units as long as the Planning Board grants the special permit therefor under Section 323.1.9 of the Zoning By-Law.

The applicant proposes to construct a residential component on part of the Natick Mall Expansion containing approximately 215 units with as many as 12 stories and exclusively served by 320 parking spaces (the "Residential Building").

The applicant has requested a special permit under Section 323.1.9 and site plan approval under Section VI-DD and Section 320 to permit multi-family residential use on the North Parcel; a special permit also under Section 323.1.9, to permit the Affordable Housing Standard to be met in whole or in part with off-site units, a special permit under Section 328.33 to permit a FAR on the North Parcel of as much as 1.0; and a modification of the site plan approval and special permit issued under the 2004 Decision to incorporate changes in the existing approved site plan required for the construction of the Residential Building and modifications of the special permits granted in the Current Decision under Section 324.10.1, Section 326.4 and Section 329.1 to permit the Residential Building to be incorporated therein.

The Town, through its consultant, MMA Consulting Group, Inc., has prepared a life safety report relating to the impacts of the Mall Expansion entitled "Natick, Massachusetts -- Public Safety Impact of the Expansion of the Natick Mall" dated September, 2005 (revised February, 2006) (the "Life/Safety Report"). The Life/Safety Report concludes that as much as \$1,575,000.00 may be required as a one-time payment to off-set the impacts of the Mall Expansion. This is approximately \$675,000.00 more than projected in the interim version of the Life/Safety Report provided to Town Meeting and much of the increase is attributable to the updating of Fire Station # 4.

The Plans, as referred to in the 2004 Decision, as modified by Decision 5-06, are further modified to include the Residential Building within the Current Decision. The revised plans are listed in Schedule A-1 attached hereto (the "Regional Center Mixed-Use Development Plans").

Statement of Facts of Public Hearing:

Notice of the Public Hearing by the Board on this matter was published in the MetroWest Daily News on November 22, 2005 and then again on November 29, 2005. Notice of the hearing was also sent to all "parties of interest" and certified by the Boards of Assessors of the Town of Natick and the Town of Framingham and posted in the Town Hall as required by Chapter 40A, Section 11, Mass. Gen. Laws.

The Public Hearing was commenced on December 7, 2005, and was continued for hearings to December 21, 2005, January 11, 2006, January 25, 2006, February 15, 2006, and March 1, 2006, when it was concluded.

Reports of Town Agencies:

No correspondence was received.

Presentation to Town of Framingham:

As required under Section 329.31 of the Zoning By-Law, the applicants submitted one complete set of documents to the Town of Framingham. A presentation of the Residential Building was made to the Framingham Planning Board on January 26, 2006.

Reports of Board's Consultants:

The Board received reports from the following consultants hired by the Board: Cosmos Associates, Inc. and Michael Sinesi. Such reports are retained in the files of the Board.

Findings:

After considering all of the information and materials that it received, including the Regional Center Mixed-Use Revised Plans, the Current Decision, reports of the applicants' consultants, correspondence it has received, comments made at the Public Hearing, as well as from the Board's Consultants, the Board makes the following findings relative to the Residential Building:

1. By virtue of the 2004 Decision, special permits and site plan approval were issued by the Planning Board pursuant to Section 320 and Section VI-DD for shopping mall use on the North Parcel and the South Parcel (as defined in the 2004 Decision). The residential use will be constructed on North Parcel. There will be enclosed pedestrian access between the North Parcel and the South Parcel as reflected on the Regional Center Mixed-Use Development Plans.

2. The Residential Building necessitates a change in the conditions on the North Parcel in order to construct the buildings and parking facilities associated therewith and, thus, requires modification of the site plan approval and the special permits previously granted in the Current Decision. This constitutes a material change of the overall site plan which requires a public hearing. In addition, the use of the Residential Building for multi-family purposes necessitates the grant of certain special permits, which will also require a public hearing. The Residential Building, located on the North Parcel, is located in the Regional Center Mixed-Use Overlay District. The use of the Residential Building for multi-family purposes is permitted by special permit under section 323.1.9 when such use is to be in combination with shopping mall use for which special permits and site plan approval have been granted under Section 320 in Section VI-DD of the Zoning Bylaw.

3. The Residential Building requires the following additional special permits: a special permit under Section 323.1.9 to permit the Affordable Housing Standard to be met in whole or in part with off-site units and a special permit under Section 328.33 to permit FAR on the North Parcel to be as great as 1.0. The Residential Building also requires modifications of the special permits granted under Section 324.10.1, Section 326.4, Section 329.1 and VI-DD in the 2004 Decision to permit the Residential Building to be incorporated therein.

4. The applicant has requested the Board to grant a special permit under Section 323.1.9 of the By-Laws to allow the applicant to satisfy the Affordable Housing Standard either through affordable units located off-site or in some combination of on-site and off-site affordable units. The applicant has noted, and the Board recognizes, that even if such special permit is granted, the applicant may ultimately have to locate all of the affordable units on-site and the granting of the special permit shall not preclude the applicant from satisfying its obligations on such a basis if the applicant so elects.

The Board finds that the satisfaction of the Affordable Housing Standard, through the use of off-site units, either wholly or in combination with on-site units, would be beneficial to the Town. Provided appropriate standards are imposed on them, the creation of off-site units would result in a greater dispersion of affordable units throughout the Town rather than if all of the affordable units were located in the Regional Center Mixed-Use Development. In addition, because a larger number of affordable units is required to satisfy the Affordable Housing Standard if off-site affordable units are utilized, the Town will make greater progress in meeting its obligations to provide Affordable Housing if the applicant creates off-site affordable units.

--HEREIN ENDS PAGE 4--

The applicant has proposed that if the Affordable Housing Standard is met on the basis of a combination of off-site and on-site units, the proportion of on-site and off-site units shall be as follows*: (hereinafter referred to as the "On-Site/Off-Site Ratio"):

ON-SITE/OFF-SITE RATIO CHART

On site affordable units	Development Units enabled by On-site (on-site X 6.25 {reciprocal of 0.16})	Development units requiring Off-site enabling "on-site enabling deficit" (215 minus On-site enabled)	On-site enabling deficit X .22	Whole number off-site units required	On-site + Off-site Affordable units	On-site + Off-site / 215	FAR Credit
							Aff.% + (Aff.% - .10)
35	218.75	0	0	0	35	0.16279070	0.22558140
34	212.5	2.5	0.55	1	35	0.16279070	0.22558140
33	206.25	8.75	1.925	2	35	0.16279070	0.22558140
32	200	15	3.3	4	36	0.16744186	0.23488372
31	193.75	21.25	4.675	5	36	0.16744186	0.23488372
30	187.5	27.5	6.05	7	37	0.17209302	0.24418605
29	181.25	33.75	7.425	8	37	0.17209302	0.24418605
28	175	40	8.8	9	37	0.17209302	0.24418605
27	168.75	46.25	10.175	11	38	0.17674419	0.25348837
26	162.5	52.5	11.55	12	38	0.17674419	0.25348837
25	156.25	58.75	12.925	13	38	0.17674419	0.25348837
24	150	65	14.3	15	39	0.18139535	0.26279070
23	143.75	71.25	15.675	16	39	0.18139535	0.26279070
22	137.5	77.5	17.05	18	40	0.18604651	0.27209302
21	131.25	83.75	18.425	19	40	0.18604651	0.27209302
20	125	90	19.8	20	40	0.18604651	0.27209302
19	118.75	96.25	21.175	22	41	0.19069767	0.28139535
18	112.5	102.5	22.55	23	41	0.19069767	0.28139535
17	106.25	108.75	23.925	24	41	0.19069767	0.28139535
16	100	115	25.3	26	42	0.19534884	0.29069767
15	93.75	121.25	26.675	27	42	0.19534884	0.29069767
14	87.5	127.5	28.05	29	43	0.20000000	0.30000000
13	81.25	133.75	29.425	30	43	0.20000000	0.30000000
12	75	140	30.8	31	43	0.20000000	0.30000000
11	68.75	146.25	32.175	33	44	0.20465116	0.30930233
10	62.5	152.5	33.55	34	44	0.20465116	0.30930233
9	56.25	158.75	34.925	35	44	0.20465116	0.30930233
8	50	165	36.3	37	45	0.20930233	0.31860465
7	43.75	171.25	37.675	38	45	0.20930233	0.31860465
6	37.5	177.5	39.05	40	46	0.21395349	0.32790698
5	31.25	183.75	40.425	41	46	0.21395349	0.32790698
4	25	190	41.8	42	46	0.21395349	0.32790698
3	18.75	196.25	43.175	44	47	0.21860465	0.33720930
2	12.5	202.5	44.55	45	47	0.21860465	0.33720930
1	6.25	208.75	45.925	46	47	0.21860465	0.33720930
0	0	215	47.3	48	48	0.22325581	0.34651163

* Assumes 215 units; to be adjusted if more or fewer units.

The Board finds that the utilization of the On-Site/Off-Site Ratio to determine the number of required affordable units in this context is appropriate for the reasons set forth above.

5. With respect to the FAR requirements of Section 320, et. seq., the Current Decision finds that in respect of the Mall Expansion (referred to therein as the Mall Project), the FAR is 0.599999. On the basis of this determination, Table 1 of the Current Decision sets forth the calculation of the FAR Payments that are to be made in respect of the Mall Project.

The Residential Building will increase the FAR of the Mall Project. The floor area of the Residential Building shall not exceed 295,441 s.f. This area does not include the areas excluded under Section 324.6. The floor area on the North Parcel (i.e., the land within the Regional Center Mixed-Use Overlay District) -- consisting of the combination of the retail portion and the residential portion -- is 295,441 s.f. (residential) plus 400,678 s.f. (retail) = 696,119 s.f.. The land area of the North Parcel is 735,210 s.f. The floor area ratio is $696,119 \text{ s.f.} / 735,210 \text{ s.f.} = 0.9468$. This intensity of FAR - no greater than 1.0 -- is permitted under Section 328.33 upon the grant of a special permit by the Board and satisfaction of Schedule III of Bonuses as reduced by the credits allocable to the Residential Building meeting the Affordable Housing Standard.

Because of a minor reallocation of retail floor area between the North Parcel and South Parcel, Table 1 of the Current Decision needs to be modified; similarly, to reflect the FAR payment on account of the Residential Building, Table 1 requires further modification. The Board finds that Table 1-A attached to this decision properly reflects the adjustment in the amount of the FAR payments.

6. The Board finds that the amounts set forth in the Life/Safety Report for special equipment or training that may be required for personnel of Town departments to mitigate public safety impacts of such multi-family residential use are reasonable. Further, the Board finds the applicant is willing to participate in the construction of an additional bay at Fire Station # 4.

7. The land within the MC District is permitted to be intensively developed so as to implement significant infrastructure improvements and to increase the tax space. The Board finds that these policies will be served by the modification of the existing special permit under Section 326.4 to implement the alternative dimensional requirements allowed in the MC District for the construction of the Residential Building.

8. The Board finds that the Criteria for Approvals required under Section VI--DD.5 are satisfied inasmuch as the findings contained in the 2004 Decision are not affected by the inclusion of the Residential Building in the Mall Expansion other than minor waivers from Section 327.52 to permit the buffer strip adjacent residential uses to be no less than 10 feet and Section 327.83 to permit a sidewalk width of 5 feet.

Decision:

After deliberation and consideration of all of the foregoing, the Board, at its meeting on March 1, 2006, voted, subject to the following conditions, (a) to grant special permits under Section 323.1.9 and Section 328.33 of the By-law to permit the Residential Building to be constructed and used for multi-family residential use, to permit the applicant to satisfy the Affordable Housing Standard, in whole or in part, with off-site units in accordance with the On-site/Off-site Ratios, to permit an FAR of up to 1.00 and to require the applicant to fund certain life safety costs in the amounts set forth in Table 2 attached hereto, (b) to modify the existing site plan approval and the special permits under Sections 324.10.1, 326.4, 329.1 and VI-DD granted under the Current Decision to incorporate the Residential Building thereon and to substitute Table 1-A attached hereto for Table 1 attached to the 2004 Decision and also to substitute the list of Regional Center Mixed-Use Development Revised Plans on Schedule A-1 attached hereto for the list of Plans in the Current Decision and (c) to grant waivers under Section 329.2 to permit reduced buffer and sidewalk width under Sections 327.521 and 327.83 respectively of 10 feet and 5 feet. The following conditions are applicable to this decision:

- A. If not all of the affordable units are located off-site, the proportion of the off-site units to on-site units shall be in accordance with the On-Site/Off-Site Ratio.
- B. The following standards shall govern the qualifications of affordable units under this decision:
 1. No more than 25% of the affordable units, in the aggregate, shall be one bedroom and no less than ten percent (10%) of the affordable units, in the aggregate, shall be three or more bedrooms.
 2. Each of the units shall achieve its affordable status through the Local Initiative Program ("LIP") administered by the Massachusetts Department of Housing and Community Development ("DHCD"). The application for qualification as units under LIP shall be made by the Board of Selectmen, but at the applicant's cost and expense.
 3. Each of the units shall meet the following standards:
 - a. Each unit must contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures and, in the absence of a common laundry facility, washer/dryer hook-up, all of which shall be in good operating condition and repair;
 - b. Each unit must be in compliance with all state building and sanitary codes and must be in good condition and repair. At a minimum, each unit shall be repainted and recarpeted or an allowance therefor provided by the applicant; and

c. Each unit shall meet the following minimum size requirement:

- one bedroom -- 700 sq. ft./1 bath;
- 2 bedroom -- 900 sq. ft./1 bath; and
- 3 bedroom -- 1200 sq. ft. 1 ½ baths.

Each of the off-site units shall be located in a development that meets the parking standards of the By-Laws relative to the number of parking spaces.

4. Each of the affordable units shall be subject to an affordability restriction which shall be perpetual (subject to the customary limitations of lenders providing financing for the acquisition of such units) and which shall be of the scope necessary to satisfy the standards of DHCD for the qualification of the unit as an affordable unit. The applicant will enter into a regulatory agreement by and among the applicant, the Town and a monitoring agent (which shall be designated by the Community Development Office) to enforce the restriction and to organize and operate the lottery through which such units are made available to qualified applicants. To the maximum extent permitted under DHCD standards, the affordable units shall first be offered to Natick residents.
5. No unit occupied under the Federal Section 8 program or otherwise on a subsidized basis shall qualify as an affordable unit under this decision. In addition, no unit in any development permitted independent of this decision that is treated as an affordable unit for purposes of Chapter 40B of the General Laws shall qualify as an affordable unit under this decision.

C. Prior to the issuance of a certificate of occupancy for the residential portion of the Regional Center Mixed-Use Development, all of the affordable units shall have been, as the case may be, either acquired by the applicant or constructed by the applicant as part of the Regional Center Mixed-Use Development. In the event the applicant chooses to meet the Affordable Housing Standard through the use of off-site units and the number of off-site units required to meet the standard have not been acquired prior to the time in which the applicant desires to obtain a certificate of occupancy for the residential component, the applicant shall post a bond, in an amount and on terms determined to be sufficient by the Board, to fund the cost of acquiring and modifying the remaining number of off-site units required to meet the Affordable Housing Standard and satisfy the conditions of this decision.

D. The applicants shall make the FAR payments in the amounts calculated under and at the times set forth in Table 1-A attached hereto. Table 1-A is substituted for Table 1 in the Current Decision and all references to Table 1 shall be to Table 1-A.

- E. The applicants shall make payments on account of the costs identified in the Life/Safety Report in the amounts and at the times set forth in Table 2 attached hereto.
- F. The applicant shall submit the lighting plan for the Board's review and approval no later than July 1, 2006.

NATICK PLANNING BOARD

<u>Member</u>	<u>Vote</u>	<u>Member</u>	<u>Vote</u>
<u>Alfred R. [Signature]</u>	<u>YES</u>	_____	_____
<u>Robert W. Esannaye</u>	<u>Yes</u>	_____	_____
<u>[Signature]</u>	<u>Yes</u>	_____	_____
<u>Arthur [Signature]</u>	<u>Yes</u>	_____	_____
<u>Julia [Signature]</u>	<u>YES</u>	_____	_____

Dated: 3/22, 2006

A TRUE COPY

AUGUST 24, 2006

ATTEST:

Jane M. Hladick
Jane M. Hladick Natick Town Clerk

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2006 MAR 23 PM 4:42
TOWN CLERK-NATICK

SCHEDULE A-1
LIST OF REGIONAL CENTER MIXED-USE DEVELOPMENTS
REVISED PLANS

Sheet Number	Drawing Title	Last Revision Date
C-1	Legend and General Notes Sheet	February 15, 2006
C-2	Overall Site Plan	February 15, 2006
C-3	Overall Parking Plan	February 15, 2006
C-4	Traffic Striping and Signage Plan	February 15, 2006
C-5	Traffic Striping and Signage Plan	February 15, 2006
C-6	Layout and Materials Plan	February 15, 2006
C-7	Layout and Materials Plan	February 15, 2006
C-8	Grading, Drainage and Erosion Control Plan	February 15, 2006
C-9	Grading, Drainage and Erosion Control Plan	February 15, 2006
C-10	Utility Plan	February 15, 2006
C-11	Utility Plan	February 15, 2006
C-12	Utility Plan - Sewer and Water	February 15, 2006
C-13	Utility Plan - Sewer and Water	February 15, 2006
C-14	Utility Plan - Gas, Electric, Tel/ Data & Fire	February 15, 2006
C-15	Utility Plan - Gas, Electric, Tel/ Data & Fire	February 15, 2006
C-16	Utility Plan - Natick Mall Road	February 15, 2006
C-17	Natick Mall Road Plan and Profile	February 15, 2006
C-18	Ring Road Link Plan and Profile	February 15, 2006
C-19	Wetland Restoration Plan	February 15, 2006
C-20	Sanitary Sewer Pump Station	February 15, 2006
C-21	Site Details	February 15, 2006
C-22	Site Details	February 15, 2006
C-23	Site Details	February 15, 2006
C-24	Site Details	February 15, 2006
C-25	Site Details	February 15, 2006
C-26	Site Details	February 15, 2006
L-1	Landscape Plan	February 15, 2006
L-2	Landscape Details	February 15, 2006

Sv-1	Existing Conditions Plan of Land	July 7, 2004
Sv-2	Existing Conditions Plan of Land	July 7, 2004
Sv-3	Existing Conditions Plan of Land	July 7, 2004
Sv-4	Existing Conditions Plan of Land	July 7, 2004
A-1	Building Elevations	February 15, 2006
A-2	Building Sections	February 15, 2006

TABLE 1-A**FAR COMPUTATIONS****Schedule I of Bonuses Computations**

Proposed floor area in South Parcel		1,111,227	
Proposed floor area in North Parcel		<u>400,678</u>	
		1,511,905	
Total floor area to be demolished	254,388		
Total existing floor area	<u>949,000</u>		
	1,203,388	(1,203,388)	
Net additional floor area from Mall Project			<u>308,517 square feet</u>
Total Bonus Required from Schedule I			308,517 square feet
Schedule of Bonus Requirement Calculation:	308,517		
	x \$20.00		
	\$6,170,340		6,170,340
Traffic Related Credits:			
Traffic Management Projects:			
• Speen Street between Edwards and Hartford Street	\$350,000		
• Pedestrian Signals at Various locations (to improve pedestrian circulation)	\$225,000		
• Route 27 (for design of improvements to Rte. 27 roadway and its intersection)	\$250,000		
• Transportation Concourse At Mall (for the support of public transportation)	\$ 75,000		
• Modifications to Speen Street / Hartford Street Intersection (for design and construction of improvements to roadways)	\$250,000		
Road Link Traffic Management Project: (Speen to Flutie Pass) (for design and construction of a roadway of regional benefit and with facilities to enhance pedestrian and bicycle circulation)	<u>\$775,000</u>		
	\$1,925,000		
Total Credits:			<u>1,925,000</u>
Open Space (Contribution To Open Space Fund) under Schedule 1			4,245,340

Schedule III of Bonuses Computations

Floor Area of Residential Building -	295,441 sf
	x \$10.00 psf
Gross FAR Amount	\$2,954,410
	<u>- FAR Credit Adjustment</u>

The FAR Credit Adjustment shall be equal to the product of the Gross FAR Amount and the applicable FAR Credit from the On-Site/Off-Site Ratio Chart.

As reflected in Schedule A, the satisfaction of Schedule I of Bonuses shall be satisfied, in part, by the payment of money and, in part, by the work that the applicants will undertake.

As also reflected in Schedule A, the applicants shall pay certain sums to the Town for the Town's use in constructing certain improvements listed in Schedule A. The payment shall be made to Town prior to the issuance of a final certificate of occupancy for the Mall Project.

The contribution to the Open Space Fund on account of Schedule I of Bonuses shall be made in four (4) installments in the following portions and prior to the occurrence of the following events: Ten percent (10%) at issuance of building permit for construction of the Mall buildings (exclusive of Department Store A and Department Store B (as shown on the Plans)); twenty percent (20%) at issuance of building permit for Department Store A; twenty percent (20%) at issuance of building permit for Department Store B; twenty-five percent (25%) upon issuance of a temporary certificate of occupancy for the Mall Project and the balance upon issuance of permanent certificate of occupancy for the Mall Project.

The Contribution to the Open Space Fund on account of Schedule III of Bonuses shall be made upon the issuance of the temporary certificate of occupancy for the Residential Building.

These contributions to the Open Space Fund represent a transferable development right payment in lieu of qualifying land. As such, if the applicant proposes to contribute land rather than to make payments, the contributions may be adjusted prior to their payment, by minor modification of this decision, to reflect the acceptance by the Planning Board of qualifying land.

TABLE 2**Life/Safety Report Payments**

The applicant shall make the payments on account of the Life/Safety Report in the amounts and at the times set forth below:

<u>TYPE OF EXPENSE</u>	<u>Estimated Cost / Final report</u>	<u>PAYMENT DATE</u>
Pre-planning	\$30,000	Cash payment upon issuance of building permit for the Residential Building but no later than August 1, 2006
Technical Instruction	\$120,000	Cash payment upon issuance of building permit for the Residential Building but no later than August 1, 2006
SOGs Preparation	\$30,000	Cash payment upon issuance of building permit for the Residential Building but no later than August 1, 2006
Ambulance (alternative)	\$150,000	Cash payment by August 1, 2006
Aerial Mounted on New Pumper	\$250,000	Cash payment by August 1, 2006
Fly Car	\$30,000	Cash payment by August 1, 2006
Increased Foam Capability	\$30,000	Cash payment by August 1, 2006
Collapse/Technical Rescue Trailer and Equipment	\$30,000	Cash payment by August 1, 2006
Additional Bay and renovations at Station #4	\$300,000 to 900,000*	\$300,000 on August 1, 2006
TOTAL:	\$970,000 to \$1,570,000*	

* Depending on cost of additional bay at Station #4; balance to be funded through imposition of a betterment assessment on the Natick Assessors' Map 24, Lot 101 and Assessors' Map 16, Lot 2 in an amount up to \$600,000. If the necessary action at Town Meeting and the State Legislature, if required, to authorize the imposition of a betterment assessment for these purposes has not occurred by August 1, 2007, the applicant shall pay an amount up to \$600,000 for the costs of the additional bay. However, if reasonable progress is being made to authorize the imposition of the betterment assessment, the August 1, 2007 payment date may be extended by a minor modification to this decision.

John C. Baccan
Trust. Middlesex S. Register