

Town of Natick
Massachusetts

01760

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Bk: 50035 Pg: 171 Doc: DECIS
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Judith A. Kuhn
Town Clerk

August 15, 2007

To Whom It May Concern:

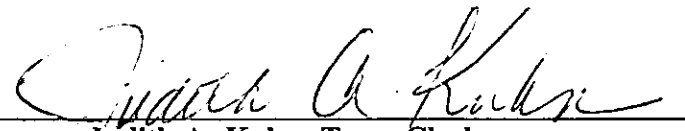
This is to certify that no notice of appeal was received during the twenty (20) days next after receipt and recording on:

November 9, 2006

of notice from the Planning Board for Final Site Plan and Special Permit, Decision #30-06, for:

Natick Armory Castle, LLC
93 East Central Street
Natick, MA 01760

with the office of the Natick Town Clerk.



Judith A. Kuhn, Town Clerk

RETURN TO
OFFICE OF THE TOWN CLERK
ONE BOSTON PLACE, BOSTON, MA 02108
132460528



BUILDING

PLANNING

ZONING

CONSERVATION

COMMUNITY DEVELOPMENT

BEFORE THE NATICK PLANNING BOARD

In Re: Natick Armory Castle LLC
93 East Central Street
(a/k/a 97 East Central Street)

Decision 30-06

Site: Assessor's Map 44, Lot 269
Book: 44935, Page 56
Natick, MA

FINAL SITE PLAN AND SPECIAL PERMIT

Statement of Facts:

The Applicant, by application dated June 1, 2006, has requested approval of plans for Special Permits under HOOP Site Plan Review and the Aquifer Protection District. The Site is located on the south side of East Central Street. The Applicant proposes to renovate the historic Natick Armory, which is subject to a Commonwealth of Massachusetts Historical Covenant, to create 23 residential units, four of which will be affordable (low/moderate income) units. The Applicant proposes changes to the exterior which respect and preserve the historic landmark structure, sufficient off-street parking, increased open space, and significant landscape and aquifer protection improvements.

The Petitioner requests Site Plan Review/Approval and the granting of Special Permits, pursuant to the provisions of Sections III.A.6 B-Housing Overlay Option Plan-(HOOP) and section VI-DD of the Natick Zoning By-Laws and an Aquifer Protection District Special Permit pursuant to the provisions of Section III-A.5, 6 d) (the "By-Laws"- all references to "Section" or "Sections" herein are to Sections of such Natick Zoning By-Laws), with the Natick Planning Board (the "Board") acting as the Special Permit Granting Authority (SPGA) under Section VI-DD 2a and VI-EE.

The Project is shown on the following plans entitled "93 East Central Street – Natick" (40 sheets) submitted by the Applicant and prepared by the Applicant's architects, Boyes-Watson Architects, Thirty Bow Street, Somerville, MA 02143, except for the three plans noted from the Applicant's engineer, MacCarthy & Sullivan Engineering, Inc. 205 Newbury Street, Suite 202, Framingham MA 01701, as follows:

A 000 Cover Sheet, 10/17/06

A 001 Project Information, 3/21/06
 S 1 Existing Site Conditions, Prepared by MacCarthy & Sullivan
 Engineering, Inc., 8/23/06
 S 2 Site Development, Prepared by MacCarthy & Sullivan
 Engineering, Inc., 8/23/06
 S 3 Grading Plan, Prepared by MacCarthy & Sullivan
 Engineering, Inc., 9/12/06
 A 101 Architectural Site Plan, 3/21/06
 L 101 Landscape Site Plan, 8/25/06
 A 102 Code Compliance Site Plan, 3/21/06
 A 103 Site Selective Removal Plan, 3/21/06
 A 200 Existing Floor Plans, 3/21/06
 A 201 Existing Elevations, 3/21/06
 A 202 Existing Elevations, 3/21/06
 A 203 Basement Selective Removal, 3/21/06
 A 204 First Floor Selective Removal, 3/21/06
 A 205 Second Floor Selective Removal, 3/21/06
 A 206 Roof Selective Removal, 3/21/06
 A 207 Exterior Elevations Selective Removal, 3/21/06
 A 208 Exterior Elevations Selective Removal, 3/21/06
 A 300 Proposed Basement Floor Plan, 8/25/06
 A 301 Proposed First Floor Plan, 7/7/06
 A 302 Proposed Second Floor Plan, 7/7/06
 A 303 Proposed Third Floor Plan, 3/21/06
 A 304 Proposed Roof Plan, 3/21/06
 A 310 Enlarged Basement Floor Plan, 2/23/06
 A 311 Enlarged First Floor Plan, 3/21/06
 A 312 Enlarged Second Floor Plan, 3/21/06
 A 313 Enlarged Third Floor Plan, 3/21/06
 A 400 Proposed Elevations, 7/7/06
 A 401 Proposed Elevations, 7/7/06
 A 501 Longitudinal Building Section, 3/21/06
 A 502 Building Cross Sections, 3/21/06
 A 503 Building Cross Sections, 3/21/06
 A 504 Building Cross Sections, 3/21/06
 A 505 Building Cross Sections, 3/21/06
 A 506 Building Cross Sections, 3/21/06
 A 510 Building Cross Sections, 3/21/06
 A 701 Floor/Ceiling Assemblies, 3/21/06
 A 711 Building Sections and Details, 3/21/06
 A 712 Building Sections and Details, 3/21/06

A 713 Building Sections and Details, 3/31/06

All of said above plans, as approved herein, are hereafter collectively referred to as the "Final Site Plan".

Hearing:

Notice of the Public Hearing by the Planning Board on this matter was published in The MetroWest Daily News on June 23, 2006 and again on June 30, 2006. Notice of the hearing was also sent to all "parties of interest" and posted in the Town Hall as required by Chapter 40A, Section 11, Mass. Gen. Laws.

The public hearing commenced Wednesday, July 26, 2006, was continued, pending action before the Natick Board of Appeals, to Wednesday, September 13, 2006 and October 25, 2006, when it was concluded.

Reports of Town and other Agencies:

Correspondence was received from the Natick Design Review Board, the Natick Historical Commission, the Massachusetts Historical Commission, Natick Town Engineer, Mark Coviello, P.E., and TEPP LLC (Transportation Engineering, Planning and Policy) copies of which are retained in the files of the Board.

Findings:

The Board, after considering the Applicant's proposal, all information and materials that it has received (including the aforementioned plans and reports), information gathered from a site visitation, and comments made at the Public Hearing, makes the following findings:

1. The Parcel is located in the Housing Overlay Option Plan (HOOP II) zoning district, the Aquifer Protection District, and the Administrative Professional Zoning District. The Applicant is seeking that this parcel be granted relief, including relief through the Board of Appeals, for 23 units of residential housing pursuant to and consistent with the HOOP I District and the Bonus provisions provided for in such District.
2. All regulations of the HOOP I District and the criteria and standards for Site Plan Review apply, which include the provision for the Special Permit Granting Authority to modify and/or waive strict compliance with one or more of the specific regulations in any HOOP District upon making certain specific findings in writing apply.
3. In accordance with Sections VI- DD. 2a, the Planning Board is the Special Permit Granting Authority (SPGA) for the Project.
4. The Site Plan shows an entire Project as approved by this Decision.

5. The Project and Site Plan is subject to a Special Permit with Site Plan Review, in accordance with the Criteria for Approval of a Final Site Plan and the Standards for Site Plan Review set forth in Section VI-DD.
6. The Project is also subject to review by the Design Review Board with respect to Architectural Design and Landscaping.
7. The proposed use of the site is for residential housing as set forth in the HOOP I District.
8. The Board finds that the project under the bonus provision meets the requirements of Site Plan Review section VI-DD and HOOP Bonuses and Uses. The site plan demonstrates an overall planning concept that is harmonious with the existing neighborhood based on the following criteria:
 - A. The site plan offers the Town an attractive project that preserves the historic Natick Armory, and creates 23 housing units in the downtown area, including 4 low/moderate income affordable units. The project as proposed is the result of extensive review by the Natick Design Review Board, the Natick Historical Commission, the Massachusetts Historical Commission, and other town officials and departments, as required by Natick By-Laws and State law. These reviews resulted in numerous changes which enhanced the housing units while preserving the unique architectural features of a landmark historic structure, more specifically:
 1. The Natick Design Review Board, in its report dated January 12, 2006, approved the proposed adaptive reuse of the property, as approved by the Natick Historical Commission, subject to conditions as shown on drawings by Boyes-Watson Architects dated January 11, 2006, and other conditions listed in said report;
 2. The Natick Historical Commission held a public hearing On December 13, 2005 on the Article 76 request for "Alteration" of the Natick Armory and determined that the Natick Armory is a Preferably Preserved Building. The Natick Historical Commission approved partial demolition of the structure in accordance with plans submitted by the Applicant's Architects. Later, the Natick Historical Commission, through its Chairman, in a letter dated May 12, 2006 to the Massachusetts Historical Commission, stated its support of the project "as a preservation and creative adaption of a long deteriorated historic structure."
 3. The Massachusetts Historical Commission, in a letter by Brona Simon, Acting Executive Director, dated June 2, 2006, approved the project as proposed with Option A for the drill shed "pursuant to the terms of the historic covenant."
 - B. The Site Plan demonstrates an overall planning concept with outside landscaping that may be enjoyed by residents of the development and the neighborhood and which preserves an historic

structure which has played an integral role in the greater community;

- C. The Site Plan includes a professional landscape plan with substantial plantings;
 - D. The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;
 - E. The Site Plan includes other elements found beneficial by the Design Review Board as contained in their memo dated January 12, 2006.
9. With respect to the requirements of the HOOP I District, the following findings, waivers and modifications are made:
- A. The total area of the parcel is 34,194 square feet.
 - B. The proposed building coverage of the site is 43.7 % which exceeds the 40% maximum building coverage requirement and such requirement is waived and modified to such extent.
 - C. The Board finds that all the set backs within the HOOP I District have been met.
 - D. The Board finds that the requirement of two parking spaces per unit for the 23 residential units proposed has been met and conforms to Section V-D of the By-Laws. The Board further finds that certain parking spaces are smaller than required by the By-Laws, but structural elements of the existing building prevent construction of 2 parking spaces per unit of full-size and such requirement is waived and modified to such extent.
 - E. With respect to the Open Space Requirement the Project will provide 30.6% which is less than the 35% Open Space Requirement, however, the Project provides also for an atrium with additional landscaped areas within the development and such requirement is waived and modified to such extent. The design maximizes open space while preserving the existing structure as shown on the plans, including creating new open space inside the building footprint by the creation of courtyards.
 - F. With respect to the proposed building coverage of 43.7%, the 30.6% open space proposed, and the proposed parking layout with some spaces being deficient in size, the Board as indicated hereby modifies and waives strict compliance with those regulations within the HOOP I district for the Project as shown consisting of 23 housing units, four affordable, because the Board finds that such waiver and modifications 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 modifications were not granted, and further that such waiver and modifications are necessary in order to encourage the creation of Affordable Housing units.

10. Signage as shown and located on the Plans is hereby approved.
11. All other requirements of the HOOP I District have been met.
12. With respect to Affordable Housing the Applicant is proposing to transfer to the Town of Natick or Eligible Purchaser, as the Town directs, four units, for low/moderate income housing in perpetuity for the life of the project.

Decision:

After deliberation and consideration of all the foregoing, the Planning Board at its meeting of October 25, 2006 voted as follows: The Planning Board grants the Special Permit and Site Plan review requested to renovate the historic Natick Armory structure and construct 23 housing units, four of which will be affordable (low/moderate income) units under the Housing Overlay Option Plan I (HOOP I) in accordance with the above referenced Plans. The Final Site Plan for the Project for 23 housing units, 4 affordable, is approved and the Board grants an APD Special Permit for the Project as shown on the Final Site Plan, subject to the conditions following:

1. All construction shall be carried out in substantial accordance with the Final Site Plan, as noted below, in all material respects. The Project is shown on the following plans entitled "93 East Central Street – Natick" (40 sheets) and two additional sheets dated 7/7/06 submitted by the Applicant and prepared by the Applicant's Architects, Boyes-Watson Architects, Thirty Bow Street, Somerville, MA 02143 with an "Existing Site Conditions Plan of Land in Natick, Mass.," a "Site Development Plan of Land in Natick, Mass.," and a "Grading Plan of Land in Natick, Mass." prepared by the Applicant's Engineer, MacCarthy & Sullivan Engineering, Inc. 205 Newbury Street, Suite 202, Framingham MA 01701, all as prior listed and referred to herein as the Final Site Plan.
2. Following the endorsement of the Final Site Plan by the Planning Board, a photographic Mylar together with three copies of the approved plan and a digital file copy in a format acceptable to the DPW, shall be provided to the Board.
3. The Applicant or its assigns shall maintain and shall enter into a covenant with the Town requiring the maintenance, in good condition, of all landscaped open space and buffer strips. The Applicant or its assigns shall provide security in the amount of 10% of the cost of the landscape plantings to ensure that required landscape plantings are maintained and survive for two (2) complete growing seasons following completion of planting.
4. The Applicant shall construct the landscaping on the Site as shown on the Landscape Plan.
 - A. Should the Applicant desire to sell a unit prior to the completion of the installation of all of the landscaping, or should the installation of any portion of the landscape plantings materials be more advantageous for growing and/or survival if planted at a later time, the Applicant shall post security

in the amount equal to the unit pro rata share of 200% of its actual cost of any landscape planting material not installed upon the sale of each such unit. This requirement shall be met before the issuance of any occupancy permit.

B. The Applicant, its successors and assigns shall be responsible for the maintenance of all landscaped open space, fencing and buffers. Landscaping and fencing shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Landscaped materials shall survive for a minimum of two complete growing seasons following installation. In the event any plant material dies within such two year period it shall be replaced as soon as practical. An additional two-year period for survival shall apply to such replacement plant. This mechanism for replacement of plant material that does not survive two complete successive growing seasons shall continue to prevail until each plant specified in the landscaping materials that is included in the Final Site Plans survives for a period of two complete successive growing seasons.

5. Along East Central Street, all curb cuts and sidewalks shall be constructed in accordance with this Decision and DPW requirements.
6. Both the Planning Board and the Department of Public Works shall be given written notification of the start of construction.
7. If the Applicant submits revised drawings, the provisions of the Board's rules and regulations regarding the Applicant's obligation to provide funds for the hiring of consultants to review such submissions shall apply and the Board shall retain jurisdiction of the matter in order to assure that these submissions are in compliance with the foregoing conditions.
8. If any non-deminimus changes to the plans or site occur, the Applicant must come back before the Planning Board for a Modification. The Planning Board reserves the right to review lighting installation in respect to conformance with the lighting plans approved herewith and may make modifications as may be necessary to reduce glare and minimize light trespass.
9. No occupancy permit shall be issued by the Building Inspector for the last unit to be sold until the Applicant has provided the Town with as-built plans and a digital file copy in a format acceptable to the DPW.
10. The conditions of approval provided for herein shall not be superseded, modified, or removed, nor shall the Planning Board's authority to administer the conditions of approval provided for herein (including any surety that is required) by any action of any other federal, state, or Town agency. Should the Applicant or any funds provided by Applicant, be made subject to any such action or requirement, or should such action be imminent in the opinion of the Planning Board, then the Applicant shall immediately appear before the Planning Board at its request. The Planning Board shall retain

A TRUE COPY
ATTEST:

AUGUST 15, 2007

Judith A. Kuhn

JUDITH A. KUHN, TOWN CLERK

jurisdiction for the purpose of modifying or amending this decision, in whatever manner is considered by such Board to be necessary, in order to carry out the original purpose and intent of this decision, to the maximum extent feasible under the circumstances then pertaining.

- 11. The Town of Natick shall devise a fair and reasonable plan for marketing affordable units. In general, tenant or buyer selection will be conducted by means of a lottery. The lottery will be conducted after the expiration of all appeals of the permit and other required permits or approvals not covered by this Special Permit. Since the units will be ownership, Buyer selection activities should be scheduled to begin approximately 6 months prior to the anticipated date of occupancy. The Town of Natick will be responsible for activities such as outreach, advertising, conducting general workshops and overseeing the mortgage application process.
- 12. The four affordable units shall be deed restricted and maintained as such in perpetuity for the life of the Project. Such units shall be designated as Affordable Units within 90 days of this date and provided to the Town. Two affordable units (or such number of local preference units as are available under the funding program and as permitted by law) shall be offered to Family of Current Residents of the Town of Natick or other permitted Local Preference buyers. Residency shall be established through Town Clerk Certification.

NATICK PLANNING BOARD

MEMBER	VOTE
<i>[Signature]</i>	<u>Yes</u>
<i>[Signature]</i>	<u>Yes</u>
<i>[Signature]</i>	<u>Yes</u>

MEMBER	VOTE
<i>[Signature]</i>	<u>Yes</u>
<i>[Signature]</i>	<u>Yes</u>
DATE	<u>November 8, 2006</u>

[Signature]
Attest: *[Signature]*

TOWN OF NATICK
PLANNING BOARD