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Middlesex South Registry of Deeds
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Cambridge, MA 02141
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Natick Community & Economic Development

BUILDING • PLANNING • ZONING • CONSERVATION

Town of Natick, 13 E. Central Street Natick, MA 01760

www.NatickMA.org • (508) 647 - 6450

Decision on Application for Modification of a Comprehensive Permit

Zoning Board of Appeals Case No. ZB-23-22

Petition of Stonegate St Patrick LLC

Date of Decision: June 26, 2023

1. Application

This document is the DECISION of the Natick Zoning Board of Appeals (the "Board") on the application of Stonegate St Patrick LLC (the "Applicant"), for the property located at 45 East Central Street, Natick MA (the "Property"). This Decision is in response to a petition for a MODIFICATION of ZBA Decision 2021-057 dated June 9, 2022, recorded at the Registry of Deeds on August 30, 2022, in Book 80646, Page 155 ("Decision"), to allow 8 of the approved rental units to be ownership for-sale units, so that 54-unit project provides 46 rental and 8 ownership units. The project is for a modification to the existing Comprehensive Permit as outlined in the May 19, 2023, Building Commissioner Determination (the "Application").

2. Property Information

- Property: 45 East Central Street
Assessor's Map 44, Lot 180
- 4 Lincoln Street
Assessor's Map 44, Lot 181
- 6 Lincoln Street
Assessor's Map 44, Lot 182
- 5 Wilson Street (also includes 3 Wilson Street)
Assessor's Map 44, Lot 195
- Middlesex Registry of Deeds Property Information: Book 65800, Page 373
- Zoning District: DM and RG
- According to the ANR Plan for the Property recorded as Plan No. 591 of 2022, the Property is subdivided into 5 lots to be known as 45 East Central Street, 4 Lincoln Street, 6 Lincoln Street, 3 Wilson Street, and 5 Wilson Street, with updated assessor's parcel designations to follow.

3. General Project Contact Information

- Owner Name: Stonegate St Patrick LLC
- Applicant/Project Contact Name: Katherine Garrahan, Esq.
- Project Attorney: Katherine Garrahan, Esq.

Property addresses: 45 East Central Street, 4 Lincoln Street, 6 Lincoln Street, 3 Wilson Street and 5 Wilson Street, Natick, Massachusetts

TOWN CLERK-NATICK
2023 JUN -3 AM 11:14
RECEIVED

4. Determination

The Applicant proposes a MODIFICATION of ZBA Decision 2021-057, recorded at the Registry of Deeds on August 30, 2022, to allow 8 of the approved rental units to be ownership for-sale units, so that 54-unit project provides 46 rental and 8 ownership units.

5. Board Action

After due consideration of the Application, the record of proceedings, and the findings set forth below, on June 26, 2023, the Board voted to GRANT the requested Modification to the Comprehensive Permit, confirming the Modification is insubstantial as provided in 760 CMR 56.05 (11), by a UNANIMOUS vote in favor of the Application of four members sitting on the Application.

The record of the vote is stated as follows:

David Jackowitz
Michael Lynch
Andrew Enright
Ari Gottlieb

6. Proceedings

The Application was filed and stamped in with the Town Clerk on June 1, 2023, pursuant to MGL, c 40A, § 10 and the Natick Zoning Bylaws. The Application was advertised in the MetroWest Daily News on June 5, 2023, and June 19, 2023. The public hearing was posted in the Natick Town Hall and provided to all "parties of interest," including all abutters, as required by MGL c 40A, § 11. The opening public hearing was held on June 26, 2023.

7. Exhibits

7.1 Documents and Site Plans submitted by the Petitioner.

- 7.1.1 Zoning Board of Appeals Application for 45 East Central Street, Natick, MA, stamped in with the Town Clerk on June 1, 2023.
- 7.1.2 Recorded Comprehensive Permit - Stonegate St Patrick LLC, uploaded to OpenGov by Katherine Garrahan on May 17, 2023.
- 7.1.3 The original approved Exhibit D - Affordable Unit Diagrams, uploaded to OpenGov by Katherine Garrahan on May 17, 2023, which exhibit was inadvertently omitted from the original recorded decision.
- 7.1.4 Modified Exhibit D - Affordable Unit Diagrams (text update only), uploaded to OpenGov by Katherine Garrahan on May 18, 2023.

- 7.1.5 Recorded ANR Plan No. 591 of 2022, uploaded to OpenGov by Katherine Garrahan on May 17, 2023.
- 7.1.6 Third Amendment to Development Agreement by and between the Natick Select Board and Stonegate St Patrick LLC. uploaded to OpenGov by Katherine Garrahan on May 18, 2023.
- 7.1.7 Request for Modification to Comprehensive Permit, uploaded to OpenGov by Katherine Garrahan on May 18, 2023, as updated on June 26, 2023.
- 7.1.8 Letter to D. Gusmini regarding determination of materiality of proposed modification, uploaded to OpenGov by Katherine Garrahan on May 18, 2023.
- 7.1.9 SG ZBA Consent Letter, uploaded to OpenGov by Katherine Garrahan on May 17, 2023.
- 7.2 Reports of Town Agencies
 - 7.2.1 Letter of Determination RE: 45 East Central Street, Natick, MA 01760, Map – 44 Lot – 180 from David Gusmini, Natick Building Commissioner, dated May 19, 2023.
 - 7.2.2 Legal notice advertised in the MetroWest Daily News on June 12, 2023, and June 19, 2023, and stamped in with the Town Clerk on June 1, 2023.

The foregoing letters and documents are incorporated in this decision by reference and made a part hereof.

8. Findings

The Board, after review of the facts, plans, and evidence presented at the hearings, and after deliberations on the same, makes the following findings for a modification to the existing Comprehensive Permit Finding:

- 8.1 On May 3, 2023, the Natick Select Board unanimously approved the Third Amendment to the Development Agreement with the Applicant, including the approval eight (8) of the Project's fifty-four (54) units to be ownership rather than rental units.
- 8.2 On May 19, 2023, the Building Commissioner determined that the Applicant must request relief from the Natick Zoning Board of Appeals in the form of a Modification to the existing Comprehensive Permit.
- 8.3 On June 1, 2023, the Application was filed with the Town Clerk.
- 8.4 Notice of the public hearing was duly published in the MetroWest Daily News June 12, 2023, and June 19, 2023, and mailed to all "parties of interest," including all abutters, as required by MGL c 40A, § 11.
- 8.5 The modification to the project is insubstantial in nature.
- 8.6 The project proposed to be modified by the Applicant shall contain forty-six (46) rental units in a multifamily mixed-use building, and eight (8) ownership units in

- townhouse-style duplexes created by a Master Deed and governed under a Declaration of Condominium Trust prepared in accordance with M.G.L. c. 183A.
- 8.7 The language changes requested by the Applicant set forth in its Request for Modification to Comprehensive Permit are deemed approved and incorporated into this Decision as follows:
- 8.7.1 Reference to the relevant state agency for the project is corrected and updated by replacing "the Massachusetts Housing Finance Agency ("MassHousing")" in Section I, paragraph 3, with "Department of Housing and Community Development ("DHCD"), now the Executive Office of Housing and Livable Communities ("EOHLC")", and further replacing all references to "DHCD" in the decision with "EOHLC".
- 8.7.2 Scriveners' errors in the Decision are corrected as follows:
- 8.7.2.1 Exhibit D is attached to this decision and incorporated into the Decision.
- 8.7.2.2 Section II, paragraph 5 of the Decision is amended to correct a typographical error which reversed numbered references to the 1-bedroom and 3-bedroom market rate units, to read seven (7) 1 bedroom and eight (8) three-bedroom units.
- 8.8 No changes to the approved plan or waivers are proposed.

9. Conditions

The Board's decision is subject to the following conditions:

- 9.1 Prior to sale of the ownership units, a copy of the Master Deed governed under a Declaration of Condominium Trust prepared in accordance with M.G.L. c. 183A will be provided to the Building Commissioner.
- 9.2 This Decision shall be recorded at (as appropriate) the Middlesex South Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including information, shall be furnished to the Zoning Board of Appeals and the Building Commissioner.
- 9.3 The terms, conditions, and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Natick.

NATICK ZONING BOARD OF APPEALS SIGNATURES

Member

Vote


Member

Vote



David Jackowitz

Yes



Andrew Enright

Yes



Michael Lynch

Yes



Ari Gottlieb

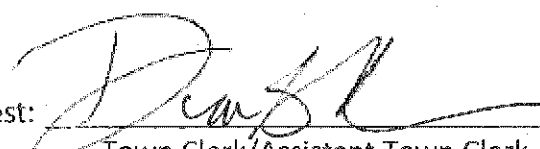
Yes

Dated: July 3, 2023

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK OF NATICK ****

In accordance with MGL, Chapter 40A, § 11, I hereby certify that twenty days have elapsed after the within decision was filed in the office of the Natick Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest:



Town Clerk/Assistant Town Clerk

7/24/23

Date

Exhibit D
Affordable Unit Diagrams

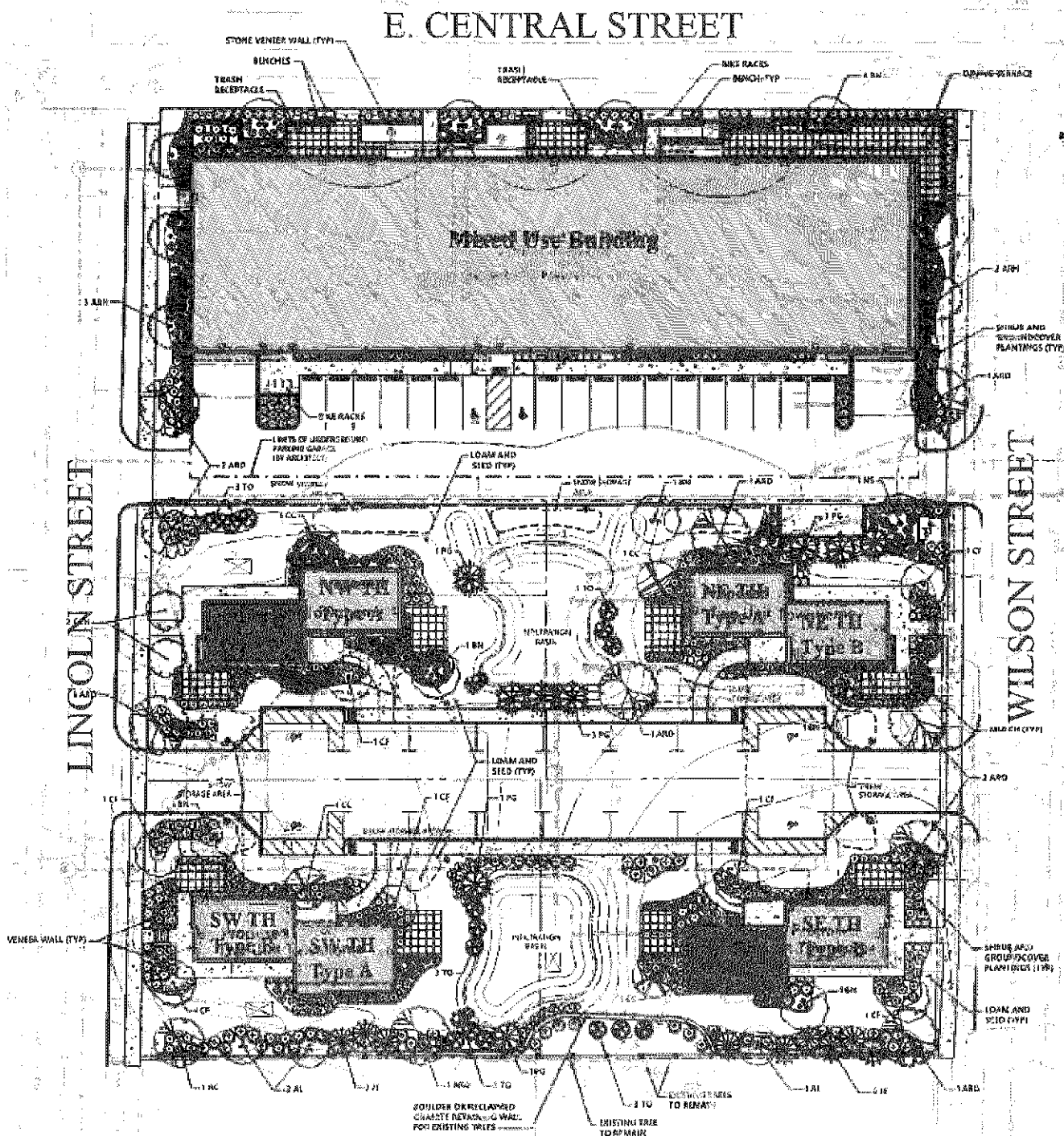
The plans reflect the initial location of the project's affordable units.

Guidance from DHCD recommends that the affordable rental units "float". Therefore, the location of the affordable rental units, but not the number or unit type, may change in the future based on the annual certification of the affordable tenants. Affordable ownership units will not float.

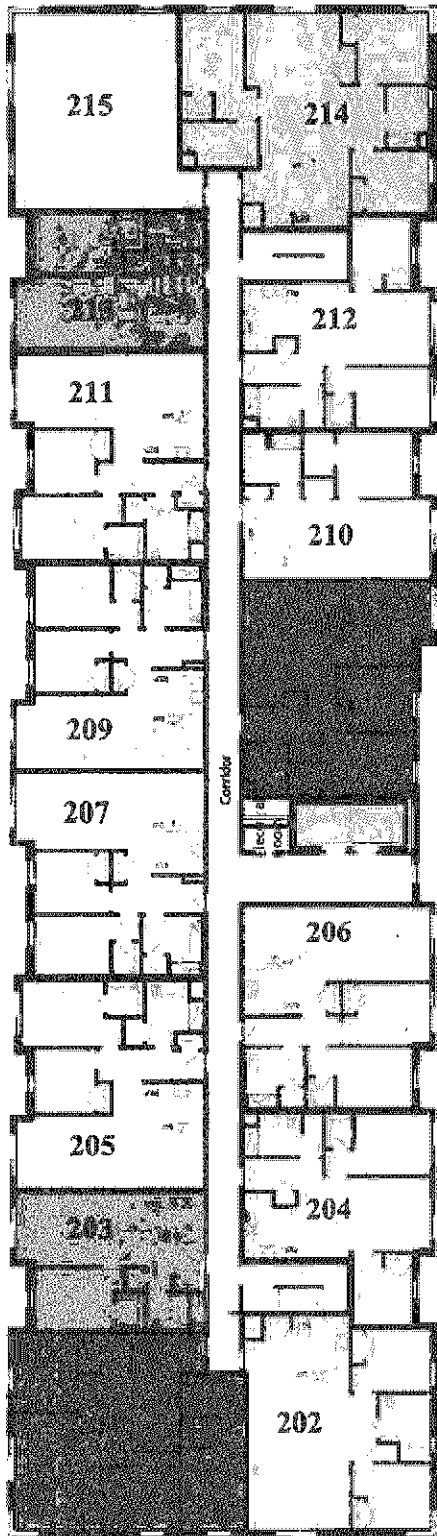
TOTAL AFFORDABLE	
1 Bed	5
2 Bed	6
3 Bed	2
4 Bed	1
	14



Affordable



Residential - Floor 2



3 Bedroom
Ave SF: 1,290



2 Bedroom
Ave SF: 1,000

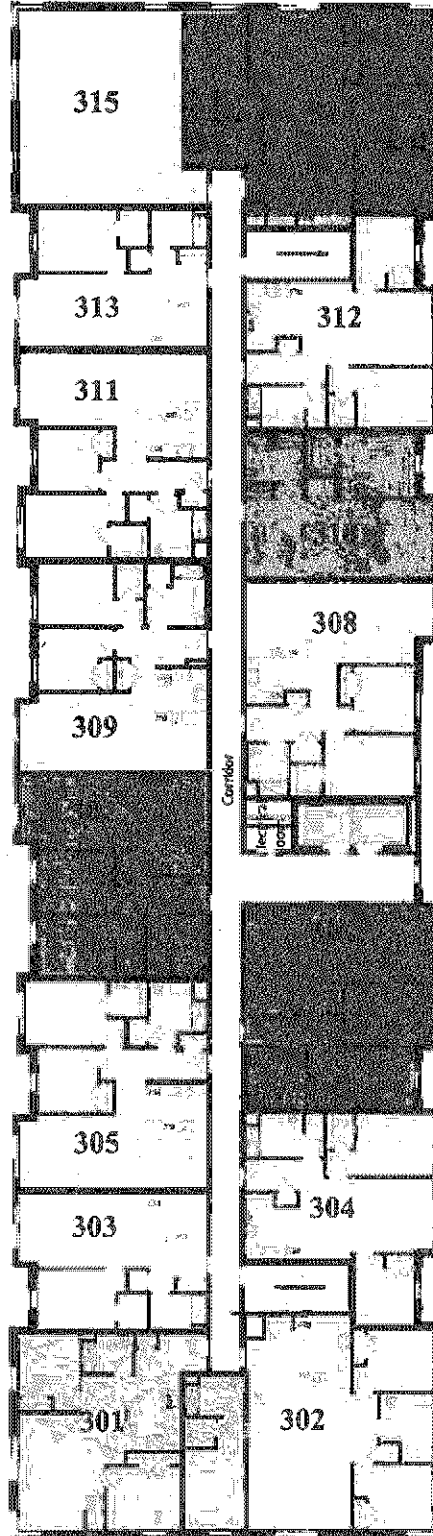


1 Bedroom
Ave SF: 725



Affordable

Residential - Floor 3



3 Bedroom
Ave SF: 1,290

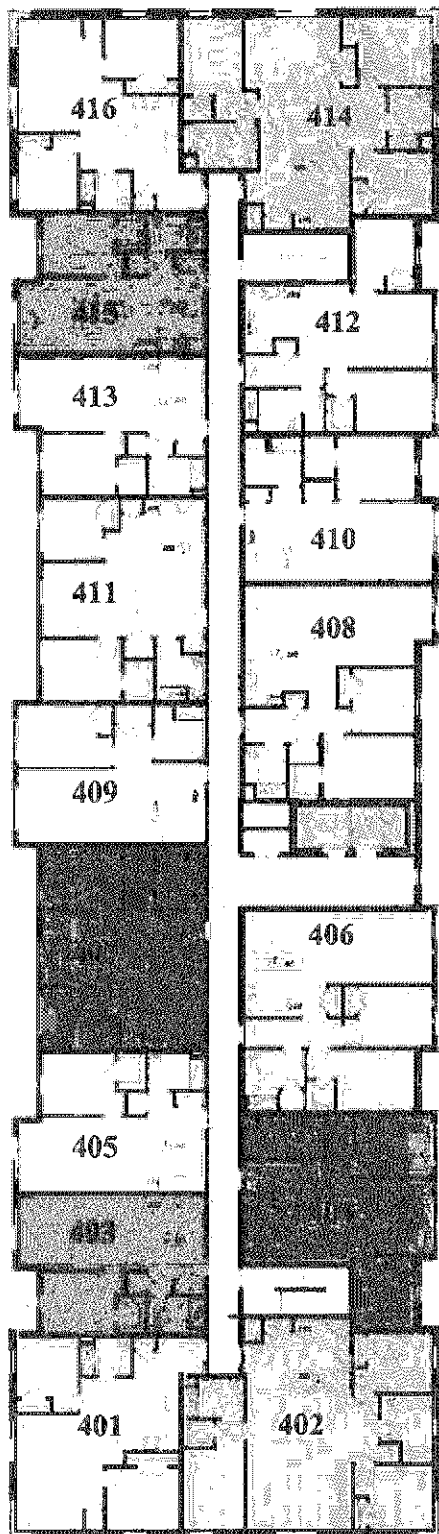
2 Bedroom
Ave SF: 1,000

1 Bedroom
Ave SF: 725




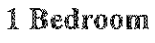
Affordable

Residential - Floor 4




3 Bedroom
Ave SF: 1,290


2 Bedroom
Ave SF: 1,000


1 Bedroom
Ave SF: 725


Affordable